

AGENDA

ORDINARY COUNCIL MEETING

25 MAY 2016

MEMBERSHIP:

Administrator (Mr Michael Kneipp)

The meeting is scheduled to commence at 5.30pm .

Page

LOCAL GOVERNMENT PRAYER:

May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord Amen

ACKNOWLEDGEMENT OF COUNTRY:

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

CCL16/1 APOLOGIES

CCL16/2 DECLARATION OF INTERESTS

CCL16/3 CONFIRMATION OF ORDER OF BUSINESS

CCL16/4 PUBLIC ACCESS SESSION

GENERAL MANAGER'S REPORTS:

CCL16/5 WESTERN PLAINS REGIONAL COUNCIL 2016/2017 DRAFT OPERATIONAL PLAN AND BUDGET (INCLUDING DRAFT REVENUE POLICY) (ID16/811)

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The Council had before it the report dated 16 May 2016 from the Interim General Manager regarding Western Plains Regional Council 2016/2017 Draft Operational Plan and Budget (Including Draft Revenue Policy).

ORGANISATIONAL / CORPORATE SERVICES REPORTS:

- CCL16/6 CODE OF MEETING PRACTICE (ID16/817) 37**
The Council had before it the report dated 17 May 2016 from the Manager Governance and Risk Services regarding Code of Meeting Practice.
- CCL16/7 COMPOSITION OF COMMITTEES AND MEETING TIMES/DATES (ID16/813) 85**
The Council had before it the report dated 16 May 2016 from the Manager Governance and Risk Services regarding Composition of Committees and Meeting Times/Dates.
- CCL16/8 ADOPTION OF COMMON SEAL OF COUNCIL (ID16/819) 91**
The Council had before it the report dated 18 May 2016 from the Manager Governance and Risk Services regarding Adoption of Common Seal of Council.
- CCL16/9 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER (ID16/825) 93**
The Council had before it the report dated 19 May 2016 from the Manager Governance and Risk Services regarding Delegation of Authority to the General Manager.
- CCL16/10 AUDITING SERVICES FOR WESTERN PLAINS REGIONAL COUNCIL (ID16/812) 108**
The Council had before it the report dated 16 May 2016 from the Manager Governance and Risk Services regarding Auditing Services for Western Plains Regional Council.
- CCL16/11 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE ADMINISTRATOR (ID16/826) 110**
The Council had before it the report dated 19 May 2016 from the Manager Governance and Risk Services regarding Payment of Expenses and Provision of Facilities for the Administrator.
- CCL16/12 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT (ID16/787) 136**
The Council had before it the report dated 16 May 2016 from the Director Organisational Services regarding Investments Under Section 625 of the Local Government Act.

STRATEGIC, PLANNING AND ENVIRONMENTAL SERVICES REPORTS:

- CCL16/13** **MODIFIED DEVELOPMENT APPLICATION (D15-310) FOR CHILD CARE CENTRE**
PROPERTY: LOT 12 DP 1190170, 16-18 SPEARS DRIVE, DUBBO
APPLICANT: GOWRIE NSW
OWNER: GOWRIE NSW (ID16/580) 145
The Council had before it the report dated 16 May 2016 from the Senior Planner 1 regarding Modified Development Application (D15-310) for Child Care Centre.
- CCL16/14** **MODIFIED DEVELOPMENT APPLICATION D2016-15 - DEPOT**
PROPERTY: LOT 6 DP 234493, 5L OLD GILGANDRA ROAD, BROCKLEHURST
APPLICANT: FARDELL INVESTMENTS PTY LTD
OWNER: FARDELL INVESTMENTS PTY LTD (ID16/753) 202
The Council had before it the report dated 16 May 2016 from the Senior Planner 1 regarding Modified Development Application D2016-15 – Depot.
- CCL16/15** **SOUTH-EAST DUBBO RESIDENTIAL URBAN RELEASE AREA - DRAFT STAGE 1 STRUCTURE PLAN PUBLIC EXHIBITION RESULTS (ID16/134)** 226
The Council had before it the report dated 17 May 2016 from the Manager City Strategy Services regarding South-East Dubbo Residential Urban Release Area - Draft Stage 1 Structure Plan Public Exhibition Results.
- CCL16/16** **DRAFT SOUTHLAKES ESTATE DEVELOPMENT CONTROL PLAN 1 (ID16/294)** 354
The Council had before it the report dated 17 May 2016 from the Manager City Strategy Services regarding Draft Southlakes Estate Development Control Plan 1.
- CCL16/17** **PLANNING PROPOSAL (R15-1) - ADDITIONAL PERMITTED USE (HOTEL OR MOTEL ACCOMMODATION) - PUBLIC EXHIBITION RESULTS**
PROPERTY: 20L CHAPMANS ROAD DUBBO
APPLICANT: GEOLYSE PTY LTD
OWNER: STANAWAY PTY LTD (ID16/353) 428

The Council had before it the report dated 17 May 2016 from the Manager City Strategy Services regarding Planning Proposal (R15-1) - Additional Permitted Use (Hotel or Motel Accommodation) - Public Exhibition Results.

- CCL16/18 PLANNING PROPOSAL (R15-2) - SECONDARY DWELLING PROVISIONS - PROPOSED AMENDMENT TO CLAUSE 5.4(9)(B) OF THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011 - RESULTS OF PUBLIC EXHIBITION (ID16/356)** 446
- The Council had before it the report dated 17 May 2016 from the Manager City Strategy Services regarding Planning Proposal (R15-2) - Secondary Dwelling Provisions - Proposed Amendment to Clause 5.4(9)(b) of the Dubbo Local Environmental Plan 2011 - Results of Public Exhibition.
- CCL16/19 DUBBO BUILDING SUMMARY - APRIL 2016 (ID16/777)** 456
- The Council had before it the report dated 17 May 2016 from the Director Environmental Services regarding Dubbo Building Summary - April 2016.
- CCL16/20 NOMINATIONS FOR THE WESTERN JOINT REGIONAL PLANNING PANEL (JRPP) (ID16/820)** 467
- The Council had before it the report dated 18 May 2016 from the Director Environmental Services regarding Nominations for the Western Joint Regional Planning Panel (JRPP).
- PARKS AND LANDCARE SERVICES REPORTS:**
- CCL16/21 LICENCE AGREEMENT FOR THE DUBBO RUGBY CLUBHOUSE (ID16/788)** 488
- The Council had before it the report dated 16 May 2016 from the Manager Sporting Facilities regarding Licence Agreement for the Dubbo Rugby Clubhouse.
- CCL16/22 LICENCE AGREEMENT FOR THE NITA MCGRATH NETBALL CLUBHOUSE (ID16/789)** 490
- The Council had before it the report dated 17 May 2016 from the Manager Sporting Facilities regarding Licence Agreement for the Nita McGrath Netball Clubhouse.

COMMUNITY SERVICES REPORTS:

- CCL16/23 STATUE OF CIVIL RIGHTS PIONEER BILL FERGUSON (ID16/776)** 492
The Council had before it the report dated 16 May 2016 from the Director Community Services regarding Statue of Civil Rights Pioneer Bill Ferguson .

CORPORATE DEVELOPMENT REPORTS:

- CCL16/24 RECLASSIFICATION OF LOT 27 DP 837818 SILKWOOD CLOSE (ID16/573)** 495
The Council had before it the report dated 16 May 2016 from the Manager Commercial Facilities regarding Reclassification of Lot 27 DP 837818 Silkwood Close.

- CCL16/25 LICENCE AGREEMENT FOR WEATHER SATELLITE DISHES - DUBBO CITY REGIONAL AIRPORT (ID16/648)** 501
The Council had before it the report dated 16 May 2016 from the Airport Operations Manager regarding Licence Agreement for Weather Satellite Dishes - Dubbo City Regional Airport.

- CCL16/26 APPROVAL FOR ROYAL FLYING DOCTOR SERVICE TO LEASE LAND FOR CONSTRUCTION OF FACILITIES AT DUBBO CITY REGIONAL AIRPORT (ID16/759)** 504
The Council had before it the report dated 16 May 2016 from the Airport Operations Manager regarding Approval for Royal Flying Doctor Service to Lease Land for Construction of Facilities at Dubbo City Regional Airport.

TECHNICAL SERVICES REPORTS:

- CCL16/27 KEEPING IT CLEAN WASTE INITIATIVE - NANIMA VILLAGE (ID16/821)** 509
The Council had before it the report dated 18 May 2016 from the Interim General Manager regarding Keeping it Clean Waste Initiative - Nanima Village.

ADMINISTRATOR MINUTES:

CCL16/28 INTERIM ORGANISATIONAL STRUCTURE

The Council had before it the Administrator Minute regarding the Interim Organisational Structure. This Administrator Minute will be distributed prior to the meeting.

CCL16/29 LOCAL REPRESENTATIVE COMMITTEES

The Council had before it the Administrator Minute regarding the Local Representative Committees. This Administrator Minute will be distributed prior to the meeting.

CCL16/30 QUESTIONS WITHOUT NOTICE

CONFIDENTIAL MATTERS:

CCL16/31 TENDERS FOR THE DOCUMENTATION AND CONSTRUCTION OF FENCES, RAMPS AND COMPRESSED AIR FOR THE DRAFT AREA, STACK PENS AND SALE PENS AT THE DUBBO REGIONAL LIVESTOCK MARKETS (ID16/785)

The Council had before it the report dated 16 May 2016 from the Director Corporate Development regarding Tenders for the documentation and construction of fences, ramps and compressed air for the draft area, stack pens and sale pens at the Dubbo Regional Livestock Markets.

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

CCL16/32 COUNCIL ACQUISITION OF LOT 1 DP 322844 AND LOT 8 DP 10459 TAMWORTH STREET - LAND ADJOINING REGAND PARK PUBLIC OPEN SPACE (ID16/797)

The Council had before it the report dated 16 May 2016 from the Manager Commercial Facilities regarding Council acquisition of Lot 1 DP 322844 and Lot 8 DP 10459 Tamworth Street - land adjoining Regand Park Public Open Space.

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

CCL16/33 AIRPORT ADVERTISING DUBBO CITY REGIONAL AIRPORT (ID16/578)

The Council had before it the report dated 16 May 2016 from the Airport Operations Manager regarding Airport Advertising Dubbo City Regional Airport.

In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CCL16/34 MAJOR SEWER RELINING (ID16/773)

The Council had before it the report dated 16 May 2016 from the Director Technical Services regarding Major Sewer Relining.

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

CCL16/35 ACCEPTANCE OF TENDER FOR CONSTRUCTION OF ELECTRICAL SWITCHBOARD AT JOHN GILBERT WATER TREATMENT PLANT (ID16/341)

The Council had before it the report dated 16 May 2016 from the Director Technical Services regarding Acceptance of Tender for Construction of Electrical Switchboard at John Gilbert Water Treatment Plant.

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

CCL16/36 SHORTLISTING OF SCADA SERVICE PROVIDERS (ID16/581)

The Council had before it the report dated 16 May 2016 from the Director Technical Services regarding Shortlisting of SCADA Service Providers.

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

CCL16/37 TENDER FOR THE SUPPLY AND HIRE FOR LIGHT VEHICLES, PLANT AND EQUIPMENT FOR 2016/2017 (ID16/643)

The Council had before it the report dated 16 May 2016 from the Manager Fleet Management Services regarding Tender for The Supply and Hire for Light Vehicles, Plant and Equipment for 2016/2017.

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

CCL16/38 STREET LIGHTING AT THE MITCHELL HIGHWAY CAPSTAN DRIVE ROUNDABOUT (ID16/800)

The Council had before it the report dated 16 May 2016 from the Manager Works Services regarding Street Lighting at the Mitchell Highway Capstan Drive Roundabout.

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

CCL16/39 KESWICK STAGE 4 RELEASE 3 SUBDIVISION CONSTRUCTION (ID16/796)

The Council had before it the report dated 18 May 2016 from the Manager Works Services regarding Keswick Stage 4 Release 3 Subdivision Construction.

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

CCL16/40 MANAGEMENT AND OPERATION OF AGRICULTURAL ACTIVITIES INCLUDING EFFLUENT IRRIGATION SCHEMES (ID16/802)

The Council had before it the report dated 19 May 2016 from the Director Technical Services regarding Management and Operation of Agricultural Activities including Effluent Irrigation Schemes.

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

CCL16/41 REPORT AND ADOPTION OF CONFIDENTIAL COMMITTEE

REPORT: Western Plains Regional Council 2016/2017 Draft Operational Plan and Budget (Including Draft Revenue Policy)

AUTHOR: Interim General Manager
REPORT DATE: 16 May 2016
TRIM REFERENCE: ID16/811

EXECUTIVE SUMMARY

The NSW Government formerly proclaimed the merger of Dubbo City Council and Wellington Council to form “Western Plains Regional Council on the 12 May 2016. Michael Kniepp has been appointed Administrator of the new Council and I have been appointed the Interim General Manager. The Administrator and Interim General Manager will now oversee the implementation of the new council through to the election of Councillors to be held on 9 September 2017.

Given the timing of the proclamation, the Western Plains Regional Council’s 2016/2017 draft Operational Plan and budget (including Revenue Policy) has not been fully integrated. As a result the 2016/2017 draft Operational Plan and budget (including revenue policy) has been prepared based on the same structure that existed at the former Dubbo and Wellington councils. Accordingly the 2016/2017 draft Operational Plan and budget has been developed on the basis of two components one for each of the previous Dubbo City Council and Wellington Council with each component containing the following set of documents:

- Reports from previous Council’s General Manager / Directors
- Restricted Asset Summaries
- Operational Plans including budget
- Revenue Policy including Fees and Charges
- Long Term Financial Plan 2016/2017 – 2025/2026

The Operational Plan has been prepared under the requirements of the Integrated Planning and Reporting framework as legislated by the NSW Government, with the following suite of documents having previously been adopted:

Dubbo Component

- 2036 Community Strategic Plan
- 2013-2017 Delivery Program
- 2013/2014 Operational Plan and Budget
- 2014/2015 Operational Plan and Budget
- 2015/2016 Operational Plan and Budget

- Resourcing Strategy (inclusive of Long Term Financial Plan, Asset Management Strategy and Policy and Workforce Management Strategy).

Wellington Component

- Wellington 2025
- 2014-2018 Delivery Program
- Resourcing Strategy (inclusive of Long Term Financial Plan, Asset Management Strategy and Policy and Workforce Management Strategy).

The 2016/2017 draft Western Plains Regional Council's Operational Plan and budget (including Revenue Policy) represents the fourth year of the former Dubbo City Council's four year Delivery Program and the third year of the former Wellington Council's four year Delivery Program. Accordingly the two Operational Plan components are the only documents which require public exhibition this year.

Accordingly the focus of this report is the 2016/2017 draft Operational Plan and budget and the forward budgets for 2017/2018, 2018/2019 and 2019/2020. In this regard, it is advised that this documentation has now been drafted and is submitted for consideration and determination by Council, prior to being placed on public exhibition for a period of not less than 28 days.

In deciding on the final Operational Plan and budget to be adopted (which will occur at a June 2016 Council meeting) Council must consider any submissions that have been made concerning the draft Plan.

The Council Amalgamation Proclamation (2016) requires that the Western Plains Regional Council applies the rating structure, rating categories and sub-categories that applied in each former council area for 2015/2016 in 2016/2017 and accordingly the 2016/2017 draft Operational Plan and budget (including revenue policy) has been prepared on this basis.

Total Ordinary (General) Rates are proposed to increase by 1.8% in 2016/2017 in accordance with the rate pegging limit as determined by the Minister for Local Government, noting the inclusion again of a Mining Rate (6c in the dollar) in the Dubbo Operational Plan component in readiness for the commencement of mining activity.

At this stage no merger costs have been identified in either of the components of the budget. Funding will be provided by the State Government for merger costs of \$5M along with the provision of community infrastructure of \$10M. These amounts will be included at the September 2016 quarterly financial review following determination of how these funds will be allocated.

The Western Plains Regional Council is committed to maintaining service delivery at levels of the former Dubbo City Council and Wellington Council during the 2016/2017 financial year.

FINANCIAL IMPLICATIONS

The determination of the 2016/2017 draft Operational Plan and budget (including revenue policy) will establish the allocation of resources to the various functions of Council for 2016/2017. The draft Operational Plan and budget (including revenue policy) as presented for 2016/2017 and forward budgets for 2017/2018, 2018/2019 and 2019/2020 are balanced.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That it be noted that the 2016/2017 draft Operational Plan and Budget (including Revenue Policy and forward budgets for 2017/2018, 2018/2019 and 2019/2020) of the Western Plains Regional Council have been prepared on the basis of a consolidation of Dubbo City and Wellington council's draft Operational Plans and budgets.**
- 2. That the 2016/2017 draft Western Plains Regional Council Operational Plan and Budget (including Revenue Policy and Forward Budgets for 2017/2018, 2018/2019 and 2019/2020) comprising the components marked Dubbo and Wellington be adopted and placed on public exhibition from Thursday 26 May 2016 for the prescribed 28 days.**
- 3. That the 2016/2017 draft Macquarie Regional Library Operational Plan and Budget be adopted and placed on public exhibition for the prescribed 28 days in conjunction with Council's planning documents.**
- 4. That submissions and comments closing at 5.00 pm on Wednesday 22 June 2016 be invited in respect of the 2016/2017 draft Western Plains Regional Council Operational Plan and Budget and the draft Macquarie Regional Library Operational Plan and Budget.**
- 5. That the list of recipients for financial assistance in 2016/2017 under Section 356 of the Local Government Act as detailed in the report of the Director Community Services dated 27 April 2016 be adopted.**
- 6. That it be noted that the amount allocated to discretionary annual donations to the community has been increased from \$20,000 to \$30,000 in the 2016/2017 Operational Plan and Budget and the forward budgets for 2017/2018, 2018/2019 and 2019/2020.**
- 7. That interest charged on overdue rates and charges be at the percentage rate of 8% being the maximum as prescribed by the Minister for Local Government for the 2016/2017 year.**

Mark Riley
Interim General Manager

REPORT

Given the timing of the proclamation of the merger of Dubbo and Wellington councils, the Western Plains Regional Council's 2016/2017 draft Operational Plan and budget (including revenue policy) has not been fully integrated. Accordingly the 2016/2017 draft Operational Plan prepared under the newly formed Western Plains Regional Council, is based on the same structure as previous Operational Plans of the former Dubbo and Wellington councils. The 2016/2017 draft Operational Plan has been developed on the basis of two components one for each of the previous Dubbo City Council and Wellington Council's set of documents as follows:

- Reports from Previous Council's General Manager / Directors
- Restricted Asset Summaries
- Operational Plans including Budget
- Revenue Policy including Fees and Charges
- Long Term Financial Plan 2016/2017 – 2025/2026

The Operational Plan has been prepared under the requirements of the Integrated Planning and Reporting framework as legislated by the NSW Government, with the following suite of documents having previously been adopted:

Dubbo Component

- 2036 Community Strategic Plan (reviewed and adopted 24 June 2013, being within 9 months of the September 2012 Ordinary Council election).
- 2013-2017 Delivery Program (reviewed and adopted 24 June 2013, being within 9 months of the September 2012 Ordinary Council election).
- 2013/2014 Operational Plan and Budget (adopted 24 June 2013).
- 2014/2015 Operational Plan and Budget (adopted 23 June 2014).
- 2015/2016 Operational Plan and Budget (adopted 29 June 2015).
- Resourcing Strategy (inclusive of Long Term Financial Plan, Asset Management Strategy and Policy and Workforce Management Strategy) (reviewed and adopted 24 June 2013, being within 9 months of the September 2012 Ordinary Council election).

Wellington Component

- Wellington 2025 (adopted 14 March 2012)
- 2014-2018 Delivery Program (adopted 23 April 2014)
- Resourcing Strategy, inclusive of Long Term Financial Plan, Asset Management Strategy and Policy and Workforce Management Strategy (adopted 23 April 2014).

The 2016/2017 draft Western Plains Regional Council's Operational Plan and Budget (including Revenue Policy and the forward budgets for 2017/2018, 2018/2019 and 2019/2020) represents the fourth year of the former Dubbo City Council's four year Delivery Program and the third year of the former Wellington Council's four year Delivery Program. Accordingly the two Operational Plan components are the only documents which require public exhibition this year.

Accordingly the focus of this report is the 2016/2017 draft Operational Plan and Budget and the forward budgets for 2017/2018, 2018/2019 and 2019/2020. In this regard, it is advised that this documentation has now been drafted and is submitted for consideration and determination by Council, prior to being placed on public exhibition for a period of not less than 28 days.

In deciding on the final Operational Plan and Budget to be adopted (which will occur at the June 2016 Council meeting) Council must consider any submissions that have been made concerning the draft Plan.

The Council Amalgamations Proclamation (2016) requires Western Plains Regional Council to apply the rating structure, rating categories and sub-categories that applied in each former council area for 2015/2016 in 2016/2017 and accordingly the 2016/2017 draft Operational Plan has been prepared on this basis.

Total Ordinary (General) Rates are proposed to increase by 1.8% in 2016/2017 in accordance with the rate pegging limit as determined by the Minister for Local Government, noting the inclusion again of a Mining Rate (6c in the dollar) in the Dubbo Operational Plan Component in readiness for the commencement of mining activity.

Western Plains Regional Council is committed to maintaining service delivery at levels of the former Dubbo City Council and Wellington Council during the 2016/2017 financial year.

At this stage no merger costs have been identified in either of the components of the budget. Funding will be provided by the State Government for merger costs of \$5M and for the provision of community infrastructure of \$10M. These amounts will be included at the September 2016 quarterly financial review following determination of how these funds will be allocated.

In relation to the level of staffing resources, the draft budgets have been prepared based on a staff establishment of 432 full time staff along with an additional 16 full time staff at the Macquarie Regional Library.

The amounts budgeted for revenue and expenditure are exclusive of GST. The GST legislation (Division 38) provides that the supply of water, sewer, drainage and child care services are GST Free. In addition Division 81 provides that where a charge is an Australian tax or is a fee or charge related to a permission, they are excluded from GST. All other goods and services provided by the Council are subject to GST and this is included in the amount of fees and charges determined for 2016/2017.

The Revenue Policy documents attached to the Operational Plans details the Base Amount of each fee and charge, the GST amount if applicable and the actual amount that will be applied for each fee or charge.

Council also needs to consider the adoption of the draft 2016/2017 Macquarie Regional Library Operational Plan to allow Council to raise the fees and charges and expend the budget allocation to provide the library service as per the MRL Agreement. Once the MRL draft Operational Plan is adopted by the Committee, it will be placed on public display with the Council's 2016/2017 draft planning documents and follow the same process of inviting and considering public submissions before final adoption of the Plan.

The Minister for Local Government has determined the maximum rate of interest that Council can charge on overdue rates and charges is 8% for 2016/2017. It is recommended that the maximum percentage rate be applied in respect of 2016/2017.

Comments on the former Dubbo Council's component of the Operational Plan

The implementation of "Best Practice" Pricing Policies for Water Supply and Sewerage Services has generally been achieved by Council since 2006/2007 onwards. In regard to the Water Usage Charge and fixed access charge for both residential and non-residential properties, it is proposed to increase such charges for 2016/2017 by 1.57% and 1.8% respectively as part of having revised the Long Term Price Path as part of the 20 Year Financial Plan for the Water Fund. In this regard, residential water consumption charges are proposed to increase from \$1.91/kl to \$1.94/kl in 2016/2017.

Following the preparation of the Water Budget and revised twenty (20) year financial plan, capital works totalling \$32.09M are proposed for Water Supply services over the four (4) year period including Lime Dosing Unit at John Gilbert Water Treatment Plant, Newtown Reservoir upgrade, Automatic Meter Reading Equipment and various Pipelines. It is proposed to utilise funds on hand to undertake the required capital works. Completion of the full capital works programme will, however, be subject to projected revenues being received over the next four (4) years.

The twenty (20) year Financial Plan for the Sewerage Services Function has been revised. There is a requirement to undertake Capital Works totalling \$32.66M for Sewerage over the four (4) years commencing 2016/2017 and it is proposed to utilise funds on hand to undertake the required capital works. The charge for these services is proposed to be increased by 1.83% in 2016/2017. In this regard, the Residential Sewer Charge is proposed to increase from \$712 to \$725 in 2016/2017.

In order to fund additional stormwater requirements, it is proposed to continue to apply an annual charge for drainage services on each parcel of rateable land within the defined "Urban Area". It is proposed to increase the annual charge by 1.8% from \$88.67 to \$90.27 in 2016/2017 in line with the rate pegging limit set by the Minister for Local Government.

In order to provide the required revenue to fund the overall Domestic Waste Management Service, the Annual Charge is proposed to increase from \$283.50 to \$290.60 (2.5%) in 2016/2017. This charge covers the weekly kerbside waste collection service, the annual clean-up, the annual green waste cleanup service and the fortnightly recycling collection service. Issues in respect of Council's proposals to introduce an Organics Kerbside Collection Service and a Regional Organics Processing Plant are addressed in the report of the Director Technical Services.

The Domestic Waste Management (Rural) charge which applies to rural properties with households located thereon is proposed to increase from \$124.50 to \$127.60 (2.49%). This charge is required to raise revenue to cover the cost of the provision of household waste transfer facilities in the rural area.

Funding to address Council's infrastructure backlog of asset renewal works has been provided as a direct outcome of Council's combined four project response to the Percy Allan report and Council's implementation of programs associated with its adopted Fit for the Future improvement plan. In total an additional amount of \$16.7M has now been allocated to asset renewal works over the next four financial years as a result of these initiatives. The initiatives undertaken include

- Service Review Project \$4.5M
- 1% Annual Wage Savings \$5.2M
- Budget Priorities Project \$4M
- 1% Operational Savings \$2M
- Electricity Savings \$1M

Accordingly the allocation of such additional asset renewal works will have a substantial impact on Council's identified asset renewal backlog.

The Budget has been prepared on the basis of providing for a 4% increase in employment costs. As well as award increases there would also be some increases in rates of pay as staff move through the skill steps provided within the Salary System. Advice has also been received from the Local Government Superannuation Scheme that additional employer contributions to the Retirement and Defined Benefits Scheme will continue for the next four years. The Superannuation guarantee levy has been provided at a rate of 9.5% for the next four years.

The details of major initiatives and projects are contained in the Operational Plan, four year budget and the Directors' reports, however, it is significant to note the following:

- The Footpath and Cycleway Construction Programme is to continue with allocations totalling \$2.25M over the four (4) year period including \$823,579 in 2016/2017.
- There is a total of \$45.62M for the four (4) year period for the road network.

- \$24.27M has been allocated for urban roads capital works in the four (4) year period including \$6.14M in 2016/2017. The Urban Road allocation includes the development of Boundary Road in two stages. Stage one in 2016/2017 (\$1.9M) and Stage two in 2018/2019 (\$2.3M), with the project to be funded by Section 94 Contributions and contributions under the Voluntary Planning Agreement with Alkane Resources, payable on commencement of construction of the mine.
- \$13.34M has been allocated for rural road capital works (\$5.51M in 2016/2017). The Rural Road allocation includes funds of \$500,000, \$390,000 and \$540,000, \$560,000 in 2016/2017, 2017/2018, 2018/2019 and 2019/2020 respectively for the sealing of unsealed streets in the various villages.
- Additional Street Tree planting program for the next four (4) year period totalling \$212,826.
- The Domestic Waste Management Service is to continue with a kerbside service and recycling service provided to the expanded urban area and waste transfer stations will continue to be provided in the rural area. There will continue to be an annual clean up service and an annual green waste clean-up service provided.
- The funding provided through the continuation of the Stormwater Drainage Annual charge will enable a significant Capital Works programme to be implemented over the four (4) year period. This includes works associated with the Hennessy stormwater basin, augmentation works Troy Basin.
- Improvement works totalling \$12.26M are proposed over the four (4) year period at the Dubbo City Regional Airport including the strengthening of the Runway and a lighting upgrade in 2017/2018 of \$9.46M.
- It will be necessary to provide funding from Rates and General Revenue to the Showground Function in 2016/2017 and the subsequent three financial years. The amounts are \$474,515, \$450,569, \$469,716 and \$484,417 respectively.
- Sales totalling \$3.65M in respect of Council's Moffat Industrial Land and Keswick Residential Estate have been included in the 2016/2017 Budget.
- The Dubbo City Holiday Park will contribute \$800,000 to General Revenue over the four (4) years of the budget, including \$200,000 in 2016/2017.
- The City Marketing and Communications Branch is responsible for the Visitors Information Centre, corporate communications, business marketing and the implementation of a City Image Programme. Funding of \$1,133,722 has been provided in the 2016/2017 draft Budget for these activities, including funding to undertake promotion of the City as part of the Destination Management Plan.

- City Development has been allocated \$100,000 annually in the 2016/2017 draft budget to undertake economic development projects.
- An allocation of \$666,269 has been provided in 2016/2017 towards the operation of the Macquarie Regional Library Alliance which comprises the Councils of Western Plains Regional, Narromine Shire and Warrumbungle Shire. Amounts of \$726,236, \$762,548 and \$800,675 have been provided in the remaining 3 years of the budget as Council's Contribution to this important regional facility. An amount of \$60,000 has been included for library books above the required contribution to the Library for 2016/2017 with \$60,000 also allocated in each subsequent year of the Budget.
- An allocation of \$200,000 has been provided over the 4 years of the budget to allow Council's continued involvement in Aboriginal employment projects (\$50,000 per annum).
- \$15,000 has been allocated to the Multicultural Festival and \$40,000 allocated to the DREAM Festival in each year of the budget.
- Funding has been provided for discretionary donations of \$30,000 and \$37,020 for regular annual donations in each of the four (4) years of the budget. Funding has also been provided of \$160,000 for the Dubbo Neighbourhood Centre, \$27,500 for the Royal Flying Doctor Service, \$10,000 to Lifeline, \$3,000 to the Dubbo Greyhound Racing Club and \$11,300 to the Dubbo Rescue Squad.
- An allocation of \$94,456 has been made in 2016/2017 for Sister City activities with similar amounts identified for the remaining years of the budget.
- Allocations have been provided for the continued operation of the Western Plains Cultural Centre and the Dubbo Regional Theatre Convention Centre.
- The Parks and Gardens Improvement Programme is to continue with projects totalling \$1.2M scheduled to be undertaken during the four (4) year period.
- Allocations have been provided for the upgrading and provision of sporting facilities totalling \$2.11M over the four (4) year period. Works are proposed at Hans Clavan, Pioneer Hockey facility, Caltex (EDSC) Sports Lighting and Victoria Park No 2 as well as minor improvements to various facilities at various sporting locations.

Comments on the former Wellington Council's component of the Operational Plan

The Wellington Component Water Fund is proposing to increase the availability and consumption charge by 3.50% for 2016/2017. This will ensure that Water fund maintains operating surplus over the ten year plan to fund Infrastructure renewal works. Sewer Fund is proposing to increase residential rates and non residential charges by 4.0% in 2016/2017 to ensure that Sewer Fund has an operating surplus by 2021/2022.

The Waste Fund is not proposing to increase the Domestic or Non Domestic Waste Management charge for 2016/2017 as future surpluses are projected. Sufficient funds are provided to undertake Rehabilitation of Landfill sites in Wellington and the Villages during 2016/2017 until 2021/2022 totalling \$800,000, along with construction of transfer stations amounting to \$1,050,000.

The major capital works that are proposed are as follows:

Project	Year	\$
Rehabilitation of Landfill sites in Wellington and the Villages	2016/2017 – 2021/2022	800,000
Wellington Water Infrastructure	2016/2017	792,169
Wellington Sewer Infrastructure	2016/2017	529,000
Wellington Museum	2016/2017	101,000
Public Halls	2016/2017	51,197
Sporting Grounds	2016/2017	40,000
Wellington Showground	2016/2017	25,640
K and G Reconstruction	2016/2017	211,699
Footpath Reconstruction	2016/2017	253,774
Reseals	2016/2017	201,272
Unsealed Rural Roads Reconstruction	2016/2017	654,252
Sealed Rural Roads Reconstruction	2016/2017	425,000
Rural Roads Construction and Sealing	2016/2017	500,000
Urban Sealed Roads Reconstruction	2016/2017	830,020
Wellington Caves Complex	2016/2017	130,076

The Operational Plan and budget has been prepared on the basis of providing for a 2.8% increase in employment costs. Advice has also been received from the Local Government Superannuation Scheme that additional employer contributions to the Retirement and Defined Benefits Scheme will continue for the next four years. The Superannuation guarantee levy has been provided at a rate of 9.5% for the next four years.

Exhibition

In regard to the exhibition of the various Integrated Planning documents, it is advised that such documents will be on public exhibition for a period of 28 days commencing Thursday 26 May 2016 until 5pm on Wednesday 22 June 2016. The exhibition period will be promoted via the following communications channels:

Online:

www.dubbo2036.com.au

This is a dedicated Dubbo 2036 website, which includes an opportunity to submit feedback online on the Operational Plan.

www.dubbo.nsw.gov.au

There will be a link from the Council's home page to dubbo2036.com.au

www.wellington.nsw.gov.au

Public displays

Western Plains Regional Council's Operational Plan, including feedback forms, will be publicly exhibited at the following locations:

Dubbo Civic Administration Building
Wellington Administration Office
Dubbo Branch of the Macquarie Regional Library
Ballimore Inn
Eumungerie Post Office
Wongarbon Post Office
Geurie Memorial Hall
Gollan Hall
Wellington Civic Hall
Stuart Town RTC

Compact Discs which comprise a copy of all the documentation will be available on request.

Advertising campaign

An advertising campaign to promote the contents of the various plans and the exhibition period will be undertaken throughout the period 26 May to 22 June 2016. The campaign will utilise the Orana Shopper, Daily Liberal, Wellington Times, Dubbo Photo News, Star FM, 2DU and Zoo FM.

SUMMARY

I consider that the draft Operational and Budget for 2016/2017 distributes the resources of the Council in accordance with priorities established for the provision of services to the community as identified in the previously adopted Community Strategic Plans. I look forward to a consolidated budget being presented to the residents of the Western Plains Regional Council in 2017/2018.

Appendices:

- 1 2016/2017 Draft Operational Plan and Budget - Macquarie Regional
- 2 2016/2017 Draft Operational Plan (Inc. Revenue Policy) – ***Provided under separate cover***

2016/2017
Draft
Operational Plan
and Budget

Macquarie Regional Library

16/07 [3]

DRAFT 2016/2017 OPERATIONAL PLAN

PRINCIPAL ACTIVITY: Macquarie Regional Library

BUSINESS: Macquarie Regional Library

Responsible Officer: Director Macquarie Regional Library
John Bayliss

Business Objectives: *To provide high quality services to the Macquarie Regional Library communities*

Activity	Actions	Performance Targets/Service Level
Management Services	1.2.1 Submit a draft budget to the annual Special [Budget] Meeting of the Library Committee	MRL member Council base annual contributions are based upon delivering a balanced budget with a 9% increase each year for the four (4) years commencing 2014/2015 for each council with an additional 2.5% increase in each of the four (4) years for Warrumbungle Shire Council and the SLNSW contributions to each member council.
	1.2.2 Undertake quarterly budget reviews.	Reviews undertaken each quarter and reported to the MRL Committee.
	1.2.3 Undertake a review of the fees and charges including the value added library services for the annual Special [Budget] Meeting of the Library Committee.	Annual estimated income from value added library services is attained.
	1.3.1 Review the MRL Strategic Plan, Delivery Program and Operational Plan on an annual basis to ensure the provision of high quality library services.	The MRL Strategic Plan, Delivery Program and Operational Plan support the delivery and access to high quality library services for the member council communities. The Delivery Program is reviewed 6 monthly and reported to the Committee. The Operational Plan is reviewed quarterly and reported to the Committee.
	1.3.2 Complete the annual SLNSW Public Libraries Statistical Return.	Annual return completed by due date.
	1.3.4 Review the MRL Policies and Procedures.	Review undertaken to ensure appropriate library service policies and procedures are available.

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	2.1.1 Develop an annual staff training program.	Training program developed that includes staff competency in the provision of core library services.
	2.1.3 Conduct a Staff Development Training Day for all staff.	An all staff development training day is undertaken to support the delivery of a professional and efficient library service.
	2.1.4 Review and report on the staff numbers and staff hours versus the needs of the organisation.	The staffing levels are considered appropriate to meet the needs of the organisation and are also measured against the SLNSW guidelines.
	3.1.1 Review the opening hours of all Branches/Service Points.	Opening hours should reflect the needs of each member council community.
	3.1.2 Review the library members' database.	Number of registrations is maintained at 29,725 per annum (SLNSW Baseline - 44% of the MRL population – 67,557).
	3.1.3 Collate visitations and attendance numbers at events and programs at each Branch and Service Point.	Number of visitations to the branches and service points to be maintained at 297,251 per annum (SLNSW Baseline - 4.4 visits per capita). Attendance statistics are reported against the annual Marketing Plan outcomes.
	7.1.1 Undertake the annual inspection of the Library buildings to ensure compliance with Work Health Safety (WHS) requirements including the preparation of an annual schedule of accommodation requirements.	Undertake an annual WHS inspection. All library branches and service points to be WHS compliant.
	7.1.2 Review the equipment and furnishing requirements for each Branch and Service Point.	Review undertaken to ensure MRL Branches and Services Points have the required equipment and furnishings to function efficiently.
	7.2.1 Undertake the biennial review of the MRL Emergency and Disaster Response Plans.	Review the MRL Emergency and Disaster Response Plans to ensure appropriate plans are in place in the event of an emergency or disaster.
Activity	Actions	Performance Targets/Service Level
Branch Library Services	3.1.4 Relevant services, programs and reference and information services are assessed biannually and introduced as appropriate at each Branch. [Library Services and Product Review Process]	100% of residents have ready access to library services including access to appropriate information technology resources.

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16/07 [3]

Activity	Actions	Performance Targets/Service Level
Library Services and Collections	1.3.5 Undertake the biennial Customer Survey.	Customer Survey undertaken to obtain feedback on the quality of service, the collections and suggestions for the improvement of the service. Overall user satisfaction target – 95%.
	3.1.5 Review the provision of services, programs and collections for young people including interaction with local schools and related community organisations.	Review completed and recommendations implemented.
	4.1.3 Review the MRL Loans Policy.	Number of loans is maintained at a minimum 401,229 per annum (SLNSW Baseline – 5.94 loans per capita).
	5.1.1 Review and develop an annual Marketing Plan.	Marketing and Promotional Plans are developed to promote services and resources to the member Council communities.
	6.1.5 Review the MRL website.	Review undertaken to ensure the website is relevant, accessible and informative in relation to the services provided by the library service.
Activity	Actions	Performance Targets/Service Level
Technical Services	4.1.4 Review the cataloguing procedures, ensuring conformity to the recognised bibliographic standards.	Resources are catalogued to recognised library standards and 100% of library resources have uniform & functional identification & protection measures applied.
Activity	Actions	Performance Targets/Service Level
Information Technology	6.1.2 Report on the current and future information technology needs of the library service.	Review undertaken to ensure MRL information technology requirements are available for the service to function efficiently.
	6.1.3 Undertake the biennial review of the Information Technology Plan.	Review undertaken to ensure the appropriateness the library's information technology facilities and services.
	6.1.4 Review the Library service's business continuity plans and strategies.	Review undertaken to ensure the availability of effective and continuous service during emergencies.

16/07 [3]

Key Performance Indicators

Workload	2015/16 estimate	2016/17 estimate	Efficiency	2015/16 estimate	2016/17 estimate	Efficiency	2015/16 estimate	2016/17 estimate
Number of items issued per annum	395,485	401,229	Operating expense per transaction	\$6.40	\$6.50	Number of registered users	29,295	29,725
Number of reference/subject enquires per annum	29,295	29,725		Number of registered users as a percentage of the population	44 %	44%		
			Number of library visitations	292,592	297,251	Number issues per registered user per annum	13.5	13.5
Number of items purchased + donation catalogued per annum	15,980	16,214				Wi-Fi hotspot logins	61,272 logins	39,380 logins
Number of items discarded per annum	15,994	16,327				Number of hours Internet used	33,696 hours	30,417 hours

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Capital expenditure program

Program	Link to capital expenditure program	2016/2017
Library collections	<ul style="list-style-type: none"> ▪ Dubbo City Council ▪ Wellington Council ▪ Narromine Shire Council ▪ Warrumbungle Shire Council 	<p>\$168,463</p> <p>\$30,354</p> <p>\$25,079</p> <p>\$46,060</p>
Information Technology - equipment provision	<ul style="list-style-type: none"> ▪ Computers ▪ Other IT equipment 	<p>\$37,321</p> <p>\$10,000</p>

Program	Link to capital expenditure program	2016/2017
Management Services – Regional Office furniture and fittings	<ul style="list-style-type: none"> ▪ Furniture and Fittings 	<p>\$1,500</p>

**MACQUARIE REGIONAL LIBRARY
2016/2017 ESTIMATED - DETAILED FINANCIAL STATEMENTS**

	2015/2016 Revised Budget	2016/2017 Budget	2017/2018 Forecast	2018/2019 Forecast	2019/2020 Forecast
Operating					
Income					
Contributions - Annual					
Dubbo	-531,527	-579,364	-631,507	-663,082	-696,236
Narromine	-87,067	-94,903	-103,444	-108,616	-114,047
Warrumbungle	-137,572	-153,393	-171,033	-179,585	-188,564
Wellington	-112,954	-123,120	-134,201	-140,911	-147,957
Contributions - Annual Total	-869,120	-950,780	-1,040,185	-1,092,194	-1,146,804
Contributions - Books					
Dubbo	-139,729	-146,905	-154,726	-159,462	-165,798
Narromine	-13,931	-14,235	-15,517	-16,292	-17,242
Warrumbungle	-20,636	-23,009	-25,655	-26,938	-28,688
Wellington	-16,943	-18,468	-20,130	-21,137	-21,797
Contributions - Books Total	-191,239	-202,617	-216,028	-223,829	-233,525
Contributions - Other					
Dubbo - Research Local History	-4,000	-4,000	-4,000	-4,000	-4,000
Contributions - Other Total	-4,000	-4,000	-4,000	-4,000	-4,000
Contributions - Salary					
Dubbo	-680,589	-703,799	-736,778	-766,885	-798,234
Narromine	-223,472	-226,015	-235,253	-244,874	-254,894
Warrumbungle	-297,035	-314,440	-327,017	-340,119	-353,772
Wellington	-133,267	-140,387	-146,085	-152,017	-158,192
Contributions - Salary Total	-1,334,363	-1,384,641	-1,445,133	-1,503,895	-1,565,092
Library Council Subsidy					
Dubbo	-89,537	-88,431	-88,431	-88,431	-88,431
Narromine	-19,450	-19,483	-19,483	-19,483	-19,483
Warrumbungle	-30,289	-30,274	-30,274	-30,274	-30,274
Wellington	-24,258	-24,075	-24,075	-24,075	-24,075
Library Council Subsidy Total	-163,534	-162,263	-162,263	-162,263	-162,263
Local Priority Project - Book Vote					
Dubbo	-21,558	-21,558	-21,558	-21,558	-21,558
Narromine	-10,844	-10,844	-10,844	-10,844	-10,844
Warrumbungle	-23,051	-23,051	-23,051	-23,051	-23,051
Wellington	-11,886	-11,886	-11,886	-11,886	-11,886
Local Priority Project - Book Vote Total	-67,339	-67,339	-67,339	-67,339	-67,339
Local Priority Special Projects					
Dubbo	-719	-719	-719	-719	-719
Narromine	-362	-362	-362	-362	-362
Warrumbungle	-769	-769	-769	-769	-769
Wellington	-396	-396	-396	-396	-396
Local Priority Special Projects Total	-2,246	-2,246	-2,246	-2,246	-2,246

**MACQUARIE REGIONAL LIBRARY
2016/2017 ESTIMATED - DETAILED FINANCIAL STATEMENTS**

	2015/2016 Revised Budget	2016/2017 Budget	2017/2018 Forecast	2018/2019 Forecast	2019/2020 Forecast
Other Income					
Boldrewood Awards	-920	-1,500	-1,500	-1,500	-1,500
Interest on Investments	-32,823	-30,667	-30,667	-30,667	-30,667
Reimburse Travel - State Library NSW	-438	-828	-828	-828	-828
Other Income Total	-34,181	-32,995	-32,995	-32,995	-32,995
Value Added Income					
Childrens & Youth Services	-2,054	-1,081	-1,115	-1,148	-1,171
Document Delivery	-464	-478	-493	-507	-507
Internet User Charges	-3,215	-3,152	-3,152	-3,152	-3,152
Sundry Income	-55,105	-53,436	-54,954	-56,513	-57,640
Value Added Income Total	-60,838	-58,147	-59,714	-61,320	-62,470
Income Total	-2,726,860	-2,865,028	-3,029,903	-3,150,081	-3,276,734
Expenditure					
Depreciation					
Furniture & Fittings	1,296	1,303	1,303	1,303	1,303
Information Technology Equipment	42,460	46,996	46,996	46,996	46,996
Library Books	240,423	239,042	239,042	239,042	239,042
Motor Vehicle	6,051	5,932	5,932	5,932	5,932
Depreciation Total	290,230	293,273	293,273	293,273	293,273
Information Technology					
Executive Council IT Support	8,250	8,500	8,500	8,670	8,843
Hardware Maintenance	3,761	1,500	1,530	1,561	1,592
Other Minor Equipment	1,988	2,028	2,068	2,110	2,152
RFID Project	30,225	0	0	0	0
Software Licences	9,192	4,073	5,654	4,237	4,322
Spydus Library Management System	48,271	47,000	47,000	47,000	47,940
Wan Charges	32,660	33,313	33,980	34,659	35,352
Information Technology Total	134,347	96,414	98,732	98,237	100,201
Library Services & Collections					
Children & Youth Services	7,781	5,851	5,851	5,851	5,906
Country Arts Support Program Grant	1,880	0	0	0	0
Data Bases	9,227	10,000	10,200	10,404	10,612
Document Delivery	473	180	184	188	192
e-Collection Licences	20,601	10,714	10,827	10,945	11,164
Marketing & Promotions	3,000	3,750	3,750	3,750	3,750
Northcott Society Fundability	5,000	0	0	0	0
Serials	18,585	17,657	18,011	18,371	18,739
Summer Reading Club	2,876	3,000	3,000	3,000	3,000
Web Page Maintenance	15,500	3,500	3,500	3,500	3,500
Youth Week	132	100	100	100	100
Library Services & Collections Total	85,055	54,752	55,423	56,109	56,963

**MACQUARIE REGIONAL LIBRARY
2016/2017 ESTIMATED - DETAILED FINANCIAL STATEMENTS**

	2015/2016 Revised Budget	2016/2017 Budget	2017/2018 Forecast	2018/2019 Forecast	2019/2020 Forecast
Management Services					
Advertising	500	0	0	0	0
Audit Fees	3,300	3,677	3,751	3,826	3,903
Bank Charges	1,353	1,050	1,071	1,092	1,114
Boldrewood Awards	1,845	1,500	1,500	1,500	1,500
Consumables	2,385	0	0	0	0
Equipment - Minor Purchases	768	807	847	889	907
Executive Council Administrative Expenses	49,755	64,373	67,121	69,849	72,361
Freight	22,285	24,514	26,965	29,662	30,255
Fringe Benefits Tax	11,025	11,576	12,155	12,763	12,763
Grant - Local Priority Special Projects	2,245	2,290	2,336	2,383	2,431
Insurances	17,641	21,879	22,973	24,122	24,604
Local Studies Materials	4,000	4,000	4,000	4,000	4,000
Memberships	1,097	552	563	574	585
Photocopying Consumables	6,660	6,794	6,930	7,068	7,209
Postage	4,007	5,593	5,865	6,150	6,449
Printing & Stationery	8,824	8,363	8,460	8,559	8,660
Regional Office Equipment Maintenance	0	0	0	0	0
Rental Work Area	5,204	5,308	5,456	5,592	5,732
Special Projects - MRL Funded	1,206	0	0	0	0
Staff Training	11,337	7,168	7,460	7,765	7,922
Sundries	5,563	3,027	3,031	3,061	3,072
Telephone	18,473	17,098	17,441	17,788	18,144
Travel Expenses	7,940	6,493	6,602	6,712	6,824
Vehicle Expenses	4,142	6,580	6,784	6,986	7,147
Management Services Total	191,555	202,642	211,311	220,341	225,582
Salaries & Overheads					
Dubbo	680,589	703,799	736,778	766,885	798,234
Narromine	223,472	226,015	235,253	244,874	254,894
Regional Office	711,568	752,785	780,976	812,778	845,932
Warrumbungle	297,035	314,440	327,017	340,119	353,772
Wellington	133,267	140,387	146,085	152,017	158,192
Salaries & Overheads Total	2,045,931	2,137,426	2,226,109	2,316,673	2,411,024
Technical Services					
Book Maintenance	11,438	11,392	11,619	11,852	12,089
End Processing	2,216	3,000	3,000	3,000	3,000
Libraries Australia	3,219	3,283	3,349	3,416	3,484
Technical Services Total	16,873	17,675	17,968	18,268	18,573
Expenditure Total	2,763,991	2,802,182	2,902,816	3,002,901	3,105,616
Operating Total	37,131	-62,846	-127,087	-147,180	-171,118

**MACQUARIE REGIONAL LIBRARY
2016/2017 ESTIMATED - DETAILED FINANCIAL STATEMENTS**

	2015/2016 Revised Budget	2016/2017 Budget	2017/2018 Forecast	2018/2019 Forecast	2019/2020 Forecast
Capital					
Income					
Depreciation (Capital Recovery)					
Information Technology Equipment	-42,460	-46,996	-46,996	-46,996	-46,996
Library Books	-240,423	-239,042	-239,042	-239,042	-239,042
Motor Vehicle	-7,347	-7,235	-7,235	-7,235	-7,235
Depreciation (Capital Recovery) Total	-290,230	-293,273	-293,273	-293,273	-293,273
Employee Leave Entitlement Provision					
Employee Leave Entitlement Provision	-82,850	-89,525	-96,734	-104,529	-113,414
Employee Leave Entitlement Provision Total	-82,850	-89,525	-96,734	-104,529	-113,414
Proceeds from Sale of Assets					
Library Books	-572	-828	-853	-879	-897
Motor Vehicle	-22,000	0	-25,000	0	-26,000
Office Equipment	-575	-1,000	-1,000	-1,000	-1,000
Proceeds from Sale of Assets Total	-23,147	-1,828	-26,853	-1,879	-27,897
Income Total	-396,227	-384,626	-416,860	-399,681	-434,584
Expenditure					
Acquisition of Assets - Books					
Book Purchases - Dubbo	213,859	168,463	176,284	181,020	187,356
Book Purchases - Narromine	36,146	25,079	26,361	27,136	28,086
Book Purchases - Warrumbungle	62,095	46,060	48,706	49,989	51,739
Book Purchases - Wellington	43,984	30,354	32,016	33,023	33,683
Acquisition of Assets - Books Total	356,084	269,956	283,367	291,168	300,864
Acquisition of Assets - Other					
Com Respite & Carelink Centre Orana	4,907	0	0	0	0
Computer Equipment	36,591	37,321	38,070	38,829	39,606
e-Lending Collections	20,992	0	0	0	0
e-Lending Collections - Lib. Dev. Grant.	1,185	0	0	0	0
Furniture & Fittings	1,500	1,500	1,500	1,500	1,500
Motor Vehicle	39,844	0	41,636	0	44,172
Other Equipment	10,000	10,000	10,000	10,000	10,000
RFID Project	21,000	0	0	0	0
Acquisition of Assets - Other Total	136,019	48,821	91,206	50,329	95,278
Expenditure Total	492,103	318,777	374,573	341,497	396,142
Capital Total	95,876	-65,849	-42,287	-58,184	-38,442
Available Funds Movement Prior To Restricted Asset Funding	133,007	-128,695	-169,374	-205,364	-209,560

**MACQUARIE REGIONAL LIBRARY
2016/2017 ESTIMATED - DETAILED FINANCIAL STATEMENTS**

	2015/2016 Revised Budget	2016/2017 Budget	2017/2018 Forecast	2018/2019 Forecast	2019/2020 Forecast
Restricted Assets					
Restricted Assets - Internally Restricted Assets					
Book Purchases	-44,974	0	0	0	0
Books - Additional (MRL)	-15,000	0	0	0	0
Children & Youth Services	-327	0	0	0	0
Collection Development - MRL Funded	-52,532	0	0	0	0
Computer & Equipment Upgrade	-13,000	0	0	0	0
Data Bases	-1,674	0	0	0	0
Dubbo - RFID Project	-23,000	0	0	0	0
e-Collection Development	-2,245	0	0	0	0
e-Collection Licenses	-10,000	0	0	0	0
Employee Leave Entitlement	82,850	89,525	96,734	104,529	113,414
Furniture & Fittings - MRL Funded	-1,500	-1,500	-1,500	-1,500	-1,500
LMS Upgrade	-15,225	0	0	0	0
Motor Vehicle Replacement	-10,000	10,000	-10,000	10,000	-10,000
Operating Surplus	-1,067	32,670	86,140	94,335	109,646
Special Projects - MRL Funded	-1,206	0	0	0	0
Staff Training	-4,380	0	0	0	0
Summer Reading Club - MRL Funded	-2,876	-2,000	-2,000	-2,000	-2,000
Youth Week	-132	0	0	0	0
Restricted Assets - Internally Restricted Assets Total	-116,288	128,695	169,374	205,364	209,560
Restricted Assets - Externally Restricted Assets					
Com Respite & Carelink Centre Orana	-4,907	0	0	0	0
e-Lending Collection Library Development	-1,185	0	0	0	0
Grant - Country Arts Support Group	-1,880	0	0	0	0
Grant - Northcott Society Fundability	-5,000	0	0	0	0
Local Priority Special Projects	-3,747	0	0	0	0
Restricted Assets - Externally Restricted Assets Total	-16,719	0	0	0	0
Restricted Assets Total	-133,007	128,695	169,374	205,364	209,560
Funds Available to (-), or Required From Library Operations	0	0	0	0	0

**MACQUARIE REGIONAL LIBRARY
2016/2017 STATEMENT OF RESTRICTED ASSETS**

Purpose of Restricted Asset	Balance as at 30/06/2016	Balance as at 30/06/2017	Balance as at 30/06/2018	Balance as at 30/06/2019	Balance as at 30/06/2020
INTERNALLY RESTRICTED ASSETS					
LIBRARY OPERATIONS TOTAL	332,459	361,629	444,269	535,104	641,250
COMPUTER & EQUIPMENT UPGRADE	45,128	45,128	45,128	45,128	45,128
EMPLOYEE LEAVE ENTITLEMENTS	630,909	720,434	817,168	921,697	1,035,111
LMS UPGRADE	32,623	32,623	32,623	32,623	32,623
MOTOR VEHICLE REPLACEMENT	11,776	21,776	11,776	21,776	11,776
TOTAL INTERNALLY RESTRICTED ASSETS	1,052,895	1,181,590	1,350,964	1,556,328	1,765,888
EXTERNALLY RESTRICTED ASSETS					
GRANT - COUNTRY ARTS SUPPORT PROGRAM	95	95	95	95	95
PLNC CONFERENCE FUNDS - NARROMINE	2,560	2,560	2,560	2,560	2,560
PLNC CONFERENCE FUNDS - WARRUMBUNGL	1,848	1,848	1,848	1,848	1,848
PLNC ZONE FUNDING	1,515	1,515	1,515	1,515	1,515
TOTAL EXTERNALLY RESTRICTED ASSETS	6,018	6,018	6,018	6,018	6,018
TOTAL RESTRICTED ASSETS	1,058,913	1,187,608	1,356,982	1,562,346	1,771,906

Macquarie Regional Library

2016-2017 Fees and Charges

MRL fees and charges are set in recognition of - (1) cost is discounted to below the full cost in recognition of community service obligations - partial cost recovery [PCR] (2) price is set to an industry standard [IS] (3) fees are set to be not competitive with local service providers - market based [MB] (4) where possible, in consideration of the above, full cost recovery [FCR] (5) price is set by regulation/statute [S]

	2015/2016 Actual	Proposed	GST	Base Amount	Pricing Policy	Comments
Reservation Fee	\$1.50	\$1.50	\$0.14	\$1.36	PCR	
Overdue Fees	\$1.00	\$1.00			PCR	
Replacement Borrower Card	\$4.40	\$4.40	\$0.40	\$4.00	PCR	
Item replacement charge						
Processing charge per item [Does not include item replacement cost]	\$5.50	\$5.50	\$0.50	\$5.00	FCR	
Email - per hour Non-Library Members only	\$6.00	\$6.00	\$0.55	\$5.45	PCR	
Photocopying and Printouts					PCR	
B&W- per A4 sheet	\$0.30	\$0.30	\$0.03	\$0.27		
B&W- per A3 sheet	\$0.60	\$0.60	\$0.05	\$0.55		
Colour copy per A4 sheet	\$1.10	\$1.10	\$0.10	\$1.00		
Colour copy per A3 sheet	\$2.20	\$2.20	\$0.20	\$2.00		

	2015/2016 Actual	Proposed	GST	Base Amount	Pricing Policy	Comments
Equipment usage						
Word processing Scanner - per hour	\$6.00	\$6.00	\$0.55	\$5.45	PCR	Charge includes also using the Branch photocopier to scan documents
Inter Library Loans						
Per Item Loan	\$6.60	\$6.60	\$0.60	\$6.60	FCR	
Possible additional fee from other libraries	\$16.50	\$16.50	\$1.50	\$15.00	S	
Fast Track Service - additional fee for 24 hour response	\$16.50	\$16.50	\$1.50	\$15.00	S	
Fax services					MB	The revised charges are based on the current Australia Post <i>Faxpost Service</i> charges. The fees are set to be not competitive with local service providers.
Fax, outgoing (Aust.)-first page	\$4.40	\$5.00	\$0.45	\$4.55		
Fax, outgoing (Aust.)-additional pages	\$1.10	\$1.25	\$0.11	\$1.14		
Fax, outgoing (O/S)-first page	\$11.00	\$10.00	\$0.91	\$9.09		
Fax, outgoing (O/S), additional pages	\$5.50	\$2.50	\$0.23	\$2.27		
Fax, incoming (all)-up to 10 pages	\$4.40	\$5.00	\$0.45	\$4.55		
Fax, incoming (all)-additional pages	\$0.55	\$1.25	\$0.11	\$1.14		
Local & Family History Research - Per Hour	\$25.00	\$25.00	\$2.27	\$22.73	PCR	

	2015/2016 Actual	Proposed	GST	Base Amount	Pricing Policy	Comments
Digital Image Service					FCR	
Single TIFF/JPG 300 dpi image on CD [Private use] Cost includes CD.	\$15.00	\$15.00	\$1.36	\$13.64		Cost includes CD
Postage & handling (if required)	\$10.00	\$10.00	\$0.91	\$9.09		
Single JPG 300 dpi image via email	\$10.00	\$10.00	\$0.91	\$9.09		
Single TIFF/JPG 300 dpi image on CD [Commercial use] Cost includes CD.	\$50.00	\$50.00	\$4.54	\$45.46		Cost includes CD
Postage & handling (if required)	\$10.00	\$10.00	\$0.91	\$9.09		
Meeting Room						Meeting Room facilities are only available in the Dubbo Branch Library.
Hourly rate	\$35.00	\$35.00	\$3.18	\$31.82	MB	Fees are applicable to Commercial Organisations only. No fees are applied to 'not for profit' organisations/groups – service groups, charities and cultural organisations.
Information Research - per hour	\$35.00	\$35.00	\$3.18	\$31.82	FCR	
Library Bags Nylon with @ your library logo	\$2.00	\$2.00	\$0.18	\$1.82	FCR	
Earphones	\$2.50	\$2.50	\$0.23	\$2.27	FCR	

	2015/2016 Actual	Proposed	GST	Base Amount	Pricing Policy	Comments
USB Thumb Drives	\$10.00	\$10.00	\$0.91	\$9.09	FCR	
Book Sale					PCR	
Adult Non Fiction	\$1.10	\$1.10	\$0.10	\$1.00		
Adult Fiction	\$0.55	\$0.55	\$0.05	\$0.50		
Paperbacks & Magazines	\$0.25	\$0.25	\$0.02	\$0.23		
Junior Non Fiction	\$0.55	\$0.55	\$0.05	\$0.50		
Junior Fiction	\$0.55	\$0.55	\$0.05	\$0.50		

REPORT: Code of Meeting Practice

AUTHOR: Manager Governance and Risk Services

REPORT DATE: 17 May 2016

TRIM REFERENCE: ID16/817

EXECUTIVE SUMMARY

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

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

It is recommended that the draft Code of Meeting Practice as attached as **Appendix 1**, and the draft Meeting Procedures as attached as **Appendix 2**, be placed on public exhibition for a period of 28 days for a further report to Council following the submission period to consider any public submissions prior to adoption.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

Once ultimately adopted the Code of Meeting Practice and Meeting Procedures will be policies of Council.

RECOMMENDATION

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

Michael Ferguson
Manager Governance and Risk Services

REPORT

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

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

It is recommended that the draft Code of Meeting Practice as attached as **Appendix 1**, and the draft Meeting Procedures as attached as **Appendix 2**, be placed on public exhibition in accordance with Section 361 of the Local Government Act 1993 for a period of 28 days for a further report to Council following the submission period to consider any public submissions prior to adoption. It is also noted that Section 361(4) of the Local Government Act 1993 states that the submission period must be not less than 42 days from the date of which the draft code is placed on public exhibition.

Appendices:

- 1 Draft Code of Meeting Practice
- 2 Draft Meeting Procedures

WESTERN PLAINS REGIONAL COUNCIL

Incorporating the former
Dubbo City & Wellington councils

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DUBBO CITY COUNCIL

CODE OF MEETING PRACTICE

May 2016

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

a) Introduction

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

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

(b) Regulations

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

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

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

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

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

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

(iii) **Motions and Amendments**

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

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

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

(v) Pecuniary Interest and Attendance at Meetings

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

(vi) Casting Vote for Chairperson of a Committee

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

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

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

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

(viii) Notice of Motion of Rescission

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

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

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

(ix) **Call of the Council**

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

(x) **Extraordinary meetings**

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

(xi) **Motions of adjournment**

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

(xii) Certain circumstances do not invalidate Council decisions

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

(xiii) Confirmation of Minutes

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

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

(xiv) How subsequent amendments may be moved

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

(xv) Correspondence

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

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

(c) Outward correspondence shall be signed by:

(i) the Mayor;

(ii) the General Manager; or

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

(xvi) Mode of Address at a Council Meeting

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

(xvii) Committee of the Whole Council

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

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

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

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

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WESTERN PLAINS REGIONAL COUNCIL

Incorporating the former
Dubbo City & Wellington councils

DUBBO CITY COUNCIL

MEETING PROCEDURES

May 2016

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

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Abbreviations

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

DRAFT

INTRODUCTION

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

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

1. REQUIREMENT TO MEET

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

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

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

2. NOTICE OF MEETINGS

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

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

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

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

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

3. QUORUM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5.3 The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 5.4 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

6. MOTIONS OF DISSENT
(Clause 248 LGGR)

- 6.1 (a) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (b) If a motion of dissent is carried, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (c) Despite Clause 250 LGGR only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

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

- 7.1 Each Councillor is entitled to one vote.
- 7.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.
- 7.3 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
- 7.4 The Chairperson of a Council Committee shall have a casting vote only when the item being voted upon is one which the Committee has delegated authority from Council to determine.
- 7.5 A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject-matter of the motion. In the event that a Councillor is physically within the Council Chamber (or room where the meeting is being conducted) the Councillor is taken to be present at the meeting.

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

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

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

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

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

9. OPEN MEETINGS ***(Sections 9 and 10 - 10D LGA and 252 and 253 LGGR)***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Standing Committees:

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

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

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

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

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

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

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

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

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

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

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

Such a motion can be moved without notice.

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

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

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

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

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

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

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

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

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

- 14.3 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- 14.4 Motions and amendments moved at Council and Committee meetings may be done so verbally but should be accompanied by a written record of the motion or amendment by the mover.
- 14.5 The following matters must be recorded in the Council's minutes:
- (a) details of each motion moved at a Council meeting and of any amendments moved to it;
 - (b) the names of the mover and seconder of the motion or amendment;
 - (c) whether the motion or amendment is passed or lost.
- Note: Section 375(1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes).*
- 14.6 That in matters determined by Council the vote of the individual Councillors be recorded in the minutes where there is one or more Councillors voting against the motion.
- 14.7 Despite 14.6 a division is to be called for each planning matter decision and each development matter determination of the Council.
- 14.8 It is permissible during the debate on an amendment for a further amendment to be foreshadowed.
- The foreshadowed amendment may be indicated however any such foreshadowed amendment shall not be moved or debated until the amendment is dealt with.

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

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

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

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

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

16.1 A Councillor:

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

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

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

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

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

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

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

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

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

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

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

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

17.5 The chairperson must immediately put to the vote, without debate, a motion moved under subclause 17.4. A seconder is not required for such a motion.

17.6 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause 17.1.

17.7 If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

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

18.1 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.

18.2 A Councillor who claims that another Councillor has committed an act of disorder or is out of order may call the attention of the Chairperson to the matter.

18.3 The Chairperson must rule on a question of order immediately after it is raised but before doing so, may invite the opinion of the Council.

18.4 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

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

19.1 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:

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

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

19.2 The Chairperson may require a Councillor:

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35. ACCESS TO RECORDS
(Section 11 LGA)

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

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

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

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

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

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

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

42.3 Outward correspondence shall be signed by:

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

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

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

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

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

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

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

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

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

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

44.7 A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

45. COUNCIL SEAL
(Clause 400 LGGR)

- 45.1 The seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.
- 45.2 The seal of a Council may be affixed to a document only in the presence of:
- (a) the Mayor and the General Manager; or
 - (b) at least one Councillor (other than the Mayor) and the General Manager; or
 - (c) the Mayor and at least one other Councillor; or
 - (d) at least two Councillors other than the Mayor.
- 45.3 The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in 45.2) attest by their signatures that the seal was affixed in their presence.
- 45.4 The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- 45.5 For the purposes of 45.4, a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.

REPORT: Composition of Committees and Meeting Times/Dates

AUTHOR: Manager Governance and Risk Services

REPORT DATE: 16 May 2016

TRIM REFERENCE: ID16/813

EXECUTIVE SUMMARY

Regulation 260(1) of the Local Government (General) Regulation 2005 makes provision for a council to appoint or elect such committees as it considers necessary. Regulation 260(2) states that such a committee is to consist of the Mayor, and such other councillors of the Council as the Council decides. In Council's case, reference to the Mayor and Councillors is replaced by the Administrator.

Regulation 261 further provides that a Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Both previous Dubbo City and Wellington councils have historically formed or appointed Committees to perform specific functions and report to Council providing advice and recommendations on those functions. It is proposed that Council now create a Planning and Development Committee, Works and Services Committee, Finance and Policy Committee and the Local Traffic Committee. A further report will be considered by Council at its June 2016 Ordinary meeting to determine the creation of other Committees, Working Parties and representation on external bodies.

This report also proposes a schedule of meeting dates and times.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That Council create the following Committees with the membership as listed:
 - a. Planning and Development Committee comprising the Administrator
 - b. Works and Services Committee comprising the Administrator
 - c. Finance and Policy Committee comprising of the Administrator
 - d. Local Traffic Committee comprising Council's Administrator (Chairman) plus one (1) representative from each of the Roads and Maritime Service, the NSW Police Traffic Branch and the State Member for Dubbo or his nominee.

2. That meetings of Council's Committees as above, be held at the Dubbo Branch Chambers.

3. That the Ordinary meeting of Council be held at 5.30pm on the following dates:

Wednesday 22 June 2016 (Wellington)	<i>(Due to Code of Meeting Practice on public exhibition)</i>
Wednesday 27 July 2016 (Wellington)	<i>(Following adoption of Code of Meeting Practice)</i>
Monday 22 August 2016 (Dubbo)	<i>(Following adoption of Code of Meeting Practice)</i>
Monday 26 September 2016 (Wellington)	<i>(Following adoption of Code of Meeting Practice)</i>
Monday 24 October 2016 (Dubbo)	
Monday 28 November 2016 (Wellington)	
Monday 19 December 2016 (Dubbo)	<i>(Due to Christmas)</i>
<i>No meeting in January 2017</i>	
Monday 27 February 2017 (Wellington)	
Monday 27 March 2017 (Dubbo)	
Monday 24 April 2017 (Wellington)	
Monday 22 May 2017 (Dubbo)	
Monday 26 June 2017 (Wellington)	
Monday 24 July 2017 (Dubbo)	
Monday 28 August 2017 (Wellington)	
<i>No meeting in September 2017 due to Local Government Elections</i>	

4. That the dates and times of meetings of regular committees be as follows:
 - a. Planning and Development Committee on the Monday preceding the day of the Ordinary Council meeting at 5.30pm, as required;
 - b. Works and Services Committee on the Monday preceding the day of the Ordinary Council meeting commencing immediately following the completion of the Planning and Development Committee noting that if there is no requirement to conduct a Planning and Development Committee it will be scheduled for 5.30pm on that day;
 - c. Finance and Policy Committee on the Monday preceding the day of the Ordinary Council meeting immediately following the completion of the Works and Services Committee;
 - d. Dubbo Local Traffic Committee on the second Friday commencing at 10.00am preceding the meeting of the Works and Services Committee.

5. That a further report be presented to the June 2016 Ordinary meeting of Council regarding the creation of the balance of Council committees, working parties and representation to external organisations.

Michael Ferguson
Manager Governance and Risk Services

REPORT

It is proposed that the following initial committee structure be formed.

(a) Planning and Development Committee

To give consideration to and make recommendations to Council in relation to the following matters:

BUILT & NATURAL ENVIRONMENT MATTERS

comprising the Administrator.

(b) Works and Services Committee

To give consideration to and make recommendations to Council in relation to the following matters:

TRANSPORT MATTERS
SEWERAGE SERVICES MATTERS
WASTE SERVICES MATTERS
WATER SUPPLY MATTERS
COMMUNITY PROTECTION MATTERS
BUILT & NATURAL ENVIRONMENT MATTERS
PARKS AND LANDCARE MATTERS
CORPORATE SERVICES MATTERS

comprising the Administrator.

(c) Finance and Policy Committee

To give consideration to and make recommendations to Council in relation to the following matters:

CITY DEVELOPMENT MATTERS
COMMUNITY SERVICES MATTERS
HUMAN ENVIRONMENT MATTERS
ORGANISATIONAL/CORPORATE SERVICES MATTERS
GOVERNANCE SERVICES MATTERS

comprising the Administrator.

(d) Local Traffic Committee

The Local Traffic Committee makes recommendations to the Works and Services Committee on matters pertaining to traffic regulation and control within Council's area as a result of delegated authority by the Roads and Maritime Service of NSW.

It is proposed that the Committee comprise Council's Administrator (Chairman) plus one (1) representative from each of the Roads and Maritime Service, the NSW Police Traffic Branch and the State Member for Dubbo or his nominee. Representatives of the Dubbo Police Traffic Branch and Wellington Police Traffic Branch may both attend the Committee meeting however the NSW Police may only nominate one voting delegate in attendance during each meeting.

This is not a Committee formed under the provisions of the Local Government Act. It is important to read and note the following regarding the operation of the Local Traffic Committee.

The Local Traffic committee is primarily a technical review committee, which is required to advise the council on matters that relate to prescribed traffic control devices and traffic control facilities for which council has delegated authority from the Roads and Maritime Service.

Should Council not wish to accept any recommendation from the Local Traffic Committee or to proceed with amending a recommendation of the Local Traffic Committee, then Council must first advise the Roads and Maritime Service and the NSW police representatives on the Committee in writing of its intention to reject or amend the recommendation of the Local Traffic committee. The representatives of the Roads and Maritime Service and the NSW Police may then lodge an appeal to the Regional Traffic Committee. The appeal period is 14 days from the date of notification in writing during which time Council must not exercise any of the functions in relation to the proposal.

The secretary of the Regional Traffic Committee will notify all parties (including Council) if an appeal is lodged. In this case, it is important that Council does not act until further advice is received from the Chairperson, Regional Traffic Committee.

The Chairperson's decision may:

- (i) Uphold the appeal, ie not support the Council decision; or
- (ii) Reject the appeal. Rejection of the appeal could either support the Council's decision unconditionally or apply conditions.

In cases where Council is not satisfied with the determination by the Chairman, Regional Traffic Committee, Council may further appeal to the Minister for Roads.

The Minister's decision may be:

- (iii) Rejection of the Council appeal; or
- (ii) Approval of the Council proposal either unconditionally or with conditions.

DETERMINATION OF DATES AND TIMES OF MEETINGS

It is recommended that ordinary meetings of the Council be held at 5.30pm on the fourth Monday of each month, excepting as follows: In January where there is no meeting; where the Monday is a Public Holiday; where the Monday clashes with the Annual Conference of the Local Government NSW and in December due to Christmas.

Accordingly, the proposed meeting dates and locations for the ensuing twelve months are as follows:

Wednesday 22 June 2016 (Wellington)	<i>(Due to Code of Meeting Practice on public exhibition)</i>
Wednesday 27 July 2016 (Wellington)	
Monday 22 August 2016 (Dubbo)	<i>(Following adoption of Code of Meeting Practice)</i>
Monday 26 September 2016 (Wellington)	
Monday 24 October 2016 (Dubbo)	
Monday 28 November 2016 (Wellington)	
Monday 19 December 2016 (Dubbo)	<i>(Due to Christmas)</i>
<i>No meeting in January 2017</i>	
Monday 27 February 2017 (Wellington)	
Monday 27 March 2017 (Dubbo)	
Monday 24 April 2017 (Wellington)	
Monday 22 May 2017 (Dubbo)	
Monday 26 June 2017 (Wellington)	
Monday 24 July 2017 (Dubbo)	
Monday 28 August 2017 (Wellington)	
<i>No meeting in September 2017 due to Local Government Elections</i>	

The dates and times of meetings of regular committees are proposed to be held at the Dubbo Branch Chambers as follows:

- (a) **Planning and Development Committee** on the Monday preceding the day of the Ordinary Council meeting at 5.30pm, as required;
- (b) **Works and Services Committee** on the Monday preceding the day of the Ordinary Council meeting commencing immediately following the completion of the Planning and Development Committee noting that if there is no requirement to conduct a Planning and Development Committee it will be scheduled for 5.30pm on that day;
- (c) **Finance and Policy Committee** on the Monday preceding the day of the Ordinary Council meeting immediately following the completion of the Works and Services Committee;
- (d) **Dubbo Local Traffic Committee** on the second Friday commencing at 10.00am preceding the meeting of the Works and Services Committee.

WESTERN
PLAINS
REGIONAL
COUNCIL

Incorporating the former
Dubbo City & Wellington councils

REPORT: Adoption of Common Seal of Council

AUTHOR: Manager Governance and Risk Services

REPORT DATE: 18 May 2016

TRIM REFERENCE: ID16/819

EXECUTIVE SUMMARY

Under Section 123 of the *Corporations Act 2001* (Cth), a company may have a common seal to execute documents. The common seal is usually a rubber stamp carrying the words 'Common Seal' and the name and business number of the association or company. The common seal is, in legal terms, the equivalent of the signature of an ordinary individual.

Following the proclamation to merge the former Dubbo City and Wellington Council into Western Plains Regional Council, the common seals of the former councils are no longer valid and the new entity does not possess a common seal.

Accordingly this report recommends the Common Seal of the Council, as described in the body of this report be adopted, noting that the Australian Business Number shall be included once it has been provided to Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the design of the Common Seal of the Council as illustrated in the body of the report of the Manager Governance and Risk Services be adopted, noting that the Australian Business Number shall be included once it has been provided to Council.

Michael Ferguson

Manager Governance and Risk Services

REPORT

Under Section 123 of the *Corporations Act 2001* (Cth), a company may have a common seal to execute documents. The common seal is, in its physical manifestation, a rubber stamp carrying the words 'Common Seal' and the name and business number of the association or company. The common company seal is, in legal terms, the equivalent of the signature of an ordinary individual. Hence, it is important to protect and store the common seal in a secure place, as its use has a degree of legal formality.

Common uses of common seals include:

- Significant contracts
- Property transfers, planning matters and land contracts
- Loan documents, mortgages and guarantees
- Occasions where its use is required by a third party

The affixing of the common seal may only be undertaken as a result of a Council resolution indicating that it may be affixed to documents specifically relating to the conduct of that business. Council maintains a register indicating each instance where the common seal has been affixed.

Following the proclamation to merge the former Dubbo City and Wellington Council into Western Plains Regional Council, the former common seals of the Councils are no longer valid and the new entity does not possess a common seal.

Accordingly this report recommends the Common Seal of the Council, as illustrated below be adopted. It is noted that the newly formed Western Plains Regional Council has not been provided with an Australian Business Number (ABN) by the Australian Tax Office at the time of writing however this is expected to be provided during the week commencing 23 May 2016. Once this has been provided the ABN will replace the locations marked by X in the common seal design as below



WESTERN
PLAINS
REGIONAL
COUNCIL

Incorporating the former
Dubbo City & Wellington councils

REPORT: Delegation of Authority to the General Manager

AUTHOR: Manager Governance and Risk Services

REPORT DATE: 19 May 2016

TRIM REFERENCE: ID16/825

EXECUTIVE SUMMARY

A Council may delegate to the General Manager any of its functions other than those functions specifically detailed in Section 377. Section 380 of the Local Government Act requires that each Council must review all its delegations during the first twelve (12) months of each term of office. Following the merger of the former Dubbo City and Wellington councils, it is appropriate to review the delegations to the General Manager to ensure all relevant delegations from each former council have been captured. A review has been completed and the proposed delegations to the General Manager are attached to this report as **Appendix 1**.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the Delegation of Authority to the General Manager be as contained in the document attached to this report as Appendix 1.

Michael Ferguson

Manager Governance and Risk Services

REPORT

Section 377 of the Local Government Act, 1993 enables the Council to delegate the functions of the Council to the General Manager. This section also specifies various functions such as making of a rate, fixing of a fee, borrowing of money, voting of money for expenditure and the acceptance of tenders that cannot be delegated.

The delegation of functions to the General Manager enables the organisation to meet the needs of residents and other stakeholders in an effective and efficient manner. It means that decisions which reflect Council's policies, standards, codes and management and other plans can be made at appropriate levels within the Organisation. It also enables staff to be authorised to undertake functions under other legislation.

Section 380 of the Act provides that each council must review all its delegations during the first 12 months of each term of office. Following the merger of the former Dubbo City and Wellington councils, it is appropriate to review the delegations to the General Manager to ensure all relevant delegations from each former council have been captured. The review of delegations included the merging of both previous councils delegations, removal of duplicated delegations and amending delegations specific to one former local government area to include the entire new local government area. A review of the delegations to the General Manager has been undertaken and the proposed delegations are now as attached to this report as **Appendix 1**.

Appendices:

- 1 Draft Delegation of Authority to the General Manager

WESTERN PLAINS REGIONAL COUNCIL

Incorporating the former
Dubbo City & Wellington councils

WESTERN PLAINS REGIONAL COUNCIL

DELEGATION OF AUTHORITY

May 2016

Document Revision History	
Description	Date
Adopted by Council Amended and Adopted by Council Amended and Adopted by Council Amended and Adopted by Council Amended following adoption of 2015/2016 Revenue Policy Amended following merger of Dubbo City and Wellington councils	June 2009 December 2010 July 2011 February 2012 July 2015 May 2016
Notes	

WESTERN PLAINS REGIONAL COUNCIL

DELEGATION OF AUTHORITY

INTERIM GENERAL MANAGER – MARK GEOFFREY RILEY

On 25 May 2016 Council resolved that the General Manager, Mr Mark Geoffrey Riley, be delegated authority under s377 of the Local Government Act, 1993, to exercise or perform on behalf of Council the following powers, authorities, duties and functions.

1. To invite a group or individual to address any Council Committee.
2. To lay information, to make application for search warrants, to make complaints, to initiate and carry on any proceedings and to represent Council in any Court on any matter.
3. To designate an employee of Council as the responsible accounting officer in accordance with Clause 196 of the Local Government (General) Regulation 2005.
4. To declare each parcel of rateable land in the Western Plains Regional Council area to be within one or other of the following categories:
 - * farm land
 - * residential
 - * mining
 - * business
5. To accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and to write off or reduce interest accrued on rates or charges to a maximum of \$500 if the person complies with the agreement.
6. To write off accrued interest on rates or charges payable by a person if the person is unable to pay the accrued interest for reasons beyond the person's control or payment of the accrued interest would cause the person hardship.
7. To invest money in accordance with s625 of the Local Government Act 1993 and as per the adopted Investment Strategy.
8. To approve reimbursement for shortages in the Cashier's tray up to \$100 in any one case.
9. To approve the provision of rural water supply schemes and associated expenditure in accordance with Council's policy on such schemes.
10. To approve the submission of tenders and quotations for private works.
11. To close roads temporarily or impose load limits subject to the provisions of the Roads Act 1993 and Regulations thereunder. (Clause 5(i) of Regulation for temporary closure/s112(i) of Act for weight restrictions)

12. To approve applications for permission to open streets, subject to the proviso that applications received from private individuals ie other than from State and Commonwealth authorities, shall not be approved until the cost of reinstatement has been paid.
13. To authorise the release of Council plant and other resources to
 - (a) assist fire fighting and emergency work;
 - (b) support the Local Emergency Management Committees and the Local Emergency Operations Controller.
14. In conjunction with the Administrator, to impose water restrictions on fixed hoses and sprinklers and to lift such restrictions when appropriate. (Clause 137 of Local Government (General) Regulation 2005).
15. To determine the amount of any bond required to be lodged by developers as security for completion of works.
16. To determine applications under s144 of the Roads Act for the use of public roads, and authorise any traffic regulation work under s115 associated with any permit granted pursuant to s144, where the involvement of the Local Traffic Committee is not specifically required.
17. To enter into Pipeline Agreements with the Australian Rail Track Corporation (ARTC), the Rail Corporation of NSW and/or John Holland Rail.
18. To deal with all matters relating to the alteration or deletion of easements or restrictions as to user pursuant to s88(B) of the Conveyancing Act 1919.
19. Pursuant to the Environmental Planning and Assessment Act, 1979 and Regulations thereunder, to:
 - (a) approve all applications for development other than development specifically resolved by the Council to be determined solely by it;
 - (b) determine applications for the extension, renewal, modification or review of any previous approval given, other than in the situation stipulated by s82A(6)(b);
 - (c) issue or refuse the issue of:
 - (i) Building Certificates,
 - (ii) Construction Certificates
 - (ii) Planning Certificates,
 - (iii) Complying Development Certificates,
 - (iv) Part 4A Certificates.
 - (d) serve an Order or Notice.

20. Pursuant to the Local Government Act, 1993 and Regulations thereunder, to:
- (a) determine all activity applications;
 - (b) determine applications for the extension, renewal, modification or review of any previous approval given, other than in the situation stipulated by s100(5)(b);
 - (c) issue or refuse the issue of Certificates
 - (d) serve an Order or Notice.
21. To exercise the power of entry and authorise employees to exercise the power of entry under:
- (a) the provisions of s191, s191A and s192 of the Local Government Act, 1993;
 - (b) the provisions of s118A of the Environmental Planning and Assessment Act, 1979.
22. To exercise any delegation of the NSW Food Authority granted under s109E(1), 111, 111B or 111D of the Food Act 2003 and the Food Regulation 2004. (This delegation cannot be sub-delegated below the General Manager unless specifically authorised by the NSW Food Authority).
23. To exercise the powers of an authorised officer/person, inspector, impounding officer, enforcement officer, environmental health officer, special constable and appoint such persons under:
- (a) the Local Government Act, 1993; (dictionary - Authorised Officer)
 - (b) the Impounding Act, 1993, including the destruction of animals under s41; (dictionary- Authorised person and impounding Officer)
 - (c) the Roads Act, 1993; (s251- Authorised Officer)
 - (d) the Food Act, 2003; (s114 Enforcement Agency may appoint - Authorised Officer)
 - (e) the Swimming Pools Act, 1992; (s27 – Authorised Officers)
 - (f) the Public Health Act, 2010; (Authorised Officer and Environmental Health Officer)
 - (g) the Rural Fires Act, 1997 (s69 - Authorised Officer)
 - (h) the Noxious Weeds Act, 1993. (s41 - Inspector and Authorised person)
 - (i) the Road Transport Act, 2013 (definitions - in Regulations (Penalty Notice Officer Class 12 Officer) authorised officer)
 - (j) the Recreational Vehicles Act 1983 (Authorised Officer)
 - (k) the Environmental Planning and Assessment Act 1979 (authorised person);
 - (l) the Protection of the Environment Operations Act 1997 (authorised officer and enforcement officer)
 - (m) the Companion Animals Act 1998.(Authorised officer)
 - (n) the Contaminated Land Management Act, 1997 (as amended)
 - (o) the Environmental Offences and Penalties Act, 1989 (as amended)
 - (p) the Waste Avoidance and Resource Recovery Act, 2001
 - (q) the Water Management Act, 2000.
 - (r) the Plumbing and Drainage Act, 2011.

24. To request authorisation for the expenditure of monies under the Environmental Trust Act 1998 for the purpose of implementing urgent measures to contain, remove, store or mitigate serious pollution.
25. To consider and determine objections under s82 of the Local Government Act 1993 and seek the concurrence of the Director General of the Office of Local Government in relation to the determination of such objections or where the concurrence of the Director General is not required to consider and determine such objections without the concurrence of the Director General. (Not to be sub-delegated to other staff).
26. To authorise the refund of fees in total or in part in respect of applications withdrawn by the applicant.
27. To accept or reject certifications submitted under s93 of the Local Government Act, 1993.
28. To grant consent to the extension of lapsing of a development consent in accordance with s95A of the Environmental Planning and Assessment Act, 1979.
29. To authorise the release of any bond or bank guarantee where the required works or services, have been completed in accordance with approvals granted by Council.
30. To grant a departure from a development standard pursuant to the various Development Control Plans where that provision is available and where such departure is considered to be in accordance with the overall aims and objectives of the relevant plan.
31. To issue approvals pursuant to the Roads Act 1993 for:
 - (a) Restaurants on footpaths; and (s125(i))
 - (b) The erection of permanent structures on or over a footway. (s138(1))
 - (c) Hoarding and other temporary structures (s126(i))
 - (d) Street vending (s139A)
 - (e) The removal or cleaning of roadside vegetation considered to be an obstruction or traffic hazard on a public road (s88).
32. To serve any notices or orders or intention of any notice or order under the provisions of:
 - (a) the Local Government Act 1993 and Regulation
 - (b) Public Health Act 1991 and Regulation
 - (c) Food Act 2003 and Regulation
 - (d) Protection of the Environment Operations Act 1997 and Regulation
 - (e) Environmental Planning and Assessment Act 1979 and Regulation
 - (f) Swimming Pools Act 1992 and Regulation
 - (g) Rural Fires Act 1997 and Regulation
 - (h) Companion Animals Act 1998 and Regulation
 - (i) Noxious Weeds Act 1993
 - (j) Waste Avoidance and Resource Recovery Act 2001 and Regulation
 - (k) Impounding Act 1993 and Regulation

33. To authorise the carrying out of work by Council pursuant to s678 of the Local Government Act, 1993.
34. To appoint officers to the brigades within Council's Rural Fire District pursuant to s18 of the Rural Fires Act 1997.
35. To make Council appointments to the Local Emergency Management committees pursuant to the State Emergency Rescue and Management Act, 1989.
36. To reject applications made under the Local Government Act pursuant to s85 of the Local Government Act, 1993.
37. To receive, determine and give notice of any report and recommendation from the NSW Fire Brigades pursuant to s118L and s121ZD of the Environmental Planning and Assessment Act 1979.
38. To give direction to remove obstructions or encroachments on a public road pursuant to s107 of the Roads Act, 1993.
39. To require the lodgement of a deposit for the hiring of Council's parks, ovals, sporting facilities or reserves.
40. To determine the conditions of and fees for use of Council's parks, gardens and reserves and other public places.
41. To prepare and lodge applications for the payment of a Library Subsidy in accordance with s13 of the Library Act, 1939.
42. To determine the exact date of each swimming season of the public pools following consultation with the swimming clubs and the Dubbo Aquatic Leisure Centre Contract Manager.
43.
 - (a) To commence preparation of a draft Local Policy for Approvals pursuant to s158 of the Local Government Act 1993 and a draft Local Policy for Orders pursuant to s159 of the Local Government Act 1993.
 - (b) To authorise the public exhibition and giving of public notice of a draft Local Approvals Policy or Orders Policy after its preparation in accordance with the provisions of s160 of the Local Government Act 1993.
44. To vary the time period for lapsing of development consents pursuant to s80A (1)(d) of the Environmental Planning and Assessment Act 1979.
45. To issue certificates under s603 of the Local Government Act, 1993.
46. To act as the licensee of the Dubbo Family Day Care Scheme and Rainbow Cottage Child Care Centre in accordance with the Children (Education and Care Services National Law Application) Act 2010 and Education and Care Services National Regulation 2011.

47. To act as the authorised supervisor of the Dubbo Family Day Care Scheme and Rainbow Cottage Child Care Centre in accordance with the Children (Education and Care Services National Law Application) Act 2010 and Education and Care Services National Regulation 2011.
48. To appoint persons as members of Advisory Committees where such persons represent a specific organisation or group which has a defined membership of such Committee subject to written notification being received from the organisation or group nominating these persons for appointment as members.
49. Pursuant to s4(1) and s4(2) of the Public Health Act 2010 take appropriate measures to ensure compliance with the requirements of the Act in relation to public swimming pools, spas, regulated systems and premises in which skin penetration procedures are carried out.
 - (a) Pursuant to s4 (2) of the Public Health Act 2010 appoint authorised officers to enable exercise of functions under the this Act.
 - (b) Pursuant to s45 of the Public Health Act 2010 serve a prohibition order on the occupier of premises where the occupier has not complied with an improvement notice, or where the without issuing an improvement notice urgent action is required to mitigate serious risk to public health.
50. To issue compliance certificates under the Water Management Act, 2000, pursuant to s64 of the Local Government Act, 1993.
51. To lodge objections/complaints under s17 of the Registered Clubs Act, 1976.
52. To undertake, in consultation with the Administrator:
 - (a) Respond to the Casino, Liquor and Gaming Control Authority in relation to applications and community impact statements lodged for liquor licences under the Liquor Act 2007 and Liquor Regulation 2008.
 - (b) Lodge disturbance complaints relating to licensed venues to the Director of Liquor and Gaming in accordance with the Liquor Act 2007 and Liquor Regulation 2008.
 - (c) Lodge disciplinary complaints to the Director of Liquor and Gaming; the Casino, Liquor and Gaming Control Authority and Police in accordance with the Liquor Act 2007 and Liquor Regulation 2008.
53. To authorise the institution of proceedings to remedy or restrain breaches of legislation administered by Council, and to represent Council in any Court in relation to such proceedings.
54. To authorise the carrying out of work pursuant to s118D of the Environmental Planning and Assessment Act 1979 to give effect to an Order issued under such Act.
- 55.1 To approve the purchase and disposal of light vehicles, minor plant, small plant and sundry plant as required from time to time subject to the acquisition being in accordance with Council's policies and specifications for light vehicles and minor plant determined by the Council.

- 55.2 To vary the light vehicle specifications, within the approved range of specifications to meet operational changes and or changes to vehicle terminology during the course of the year.
- 55.3 To approve variations to the light vehicle retention periods when it is economically advantageous to Council.
- 55.4 To approve the purchase, subject to operational requirements, of any vehicle that is deemed by the General Manager to be operationally suitable, cost effective and an appropriate vehicle for the day to day use of a Council employee.
- 55.5 To approve variations to the Leaseback Agreements as required from time to time.
56. To make application on behalf of Council as the road authority to close or to raise no objection to the proposed closure of public roads pursuant to s34 of the Roads Act 1993 provided that such roads are only "paper roads" by status.
57. To authorise the implementation of construction works by either contract or day labour in respect of the development of Council's industrial/residential subdivisions.
58. To provide determinations under Council's Significant Tree Register.
59. To give assistance in the form of mowers and similar small plant to organisations undertaking voluntary work to the benefit of the community.
60. To determine charges for significant events which utilise Council facilities over an extended period or that attract significant numbers of people to provide significant economic/social benefit.
61. To exercise the assumed concurrence of the NSW Office of Water pursuant to s90 of the Local Government Act 1993 for the approval of trade waste applications under such Act, with such delegation being subject to the limitations and conditions, if any, contained in the Office's Certificate(s) of Concurrence.
62. To determine applications under s22 (Exemptions) of the Swimming Pools Act 1992.
63. To consider recommendations of the Consultative Committee (established in accordance with the provisions of the Local Government (State) Award) and deal appropriately with these recommendations.
64. To manage the Macquarie Regional Library Service in accordance with the terms and conditions of the Macquarie Regional Library Agreement dated 1 July 2014.
65. To make amendments to the Sewage and Trade Waste Discharge Factors for non-residential groupings as contained within the Sewer and Trade Waste Discharge Factor Policy as required.
66. To undertake the functions in the recommended Instrument of Delegation set out in Schedule 2 of Council's Defined Asset Management Policy dated 15 December

2011 and adopted at the Ordinary Dubbo City Council meeting held 27 February 2012.

67. To appoint a person or persons as a member/s of a Committee or Working Party which provides recommendations to Council where that person is the only nominee or those persons nominated equate to the exact number of vacant positions to be filled, following public advertisement for nominations and in the opinion of the General Manager the person/s is/are suitable for appointment to the Committee, Working Party or Advisory Committee.
68. To appoint a person or persons as a member/s of an Advisory Committee which provides recommendations to a Council Director in the discharge of the Director's duties where that person/s is/are in the opinion of the General Manager suitable for appointment to the Advisory Committee.
69. To vary hours of the ban on consumption of alcohol in Parks and Reserves under Council ownership, care and control for a temporary period.
70. To revoke Dangerous Dog Declarations under s39 of the Companion Animals Act 1998.
71. To make recommendations in respect of the Accreditation of Council Building Surveyors for the purposes of s5 (1A) of the Building Professionals Act.
72. To negotiate and approve on behalf of the Council:
 - a. Any lease and/or licence of land classified 'operational' pursuant to s26 of the Local Government Act 1993 provided that:
 - i) The term (including any option(s)) does not exceed three (3) years; and
 - ii) The rent is not less than fair market rent, but excluding any lease or licence for which tenders are required under the Local Government Act to be invited by the Council.
 - b. Any temporary lease and/or licence of Crown land controlled or managed by Council where the term does not exceed twelve (12) months.
73. That the Administrator and Interim General Manager be authorised to execute under the Common Seal of the Council and any documents or contracts necessary in relation to the borrowings identified in the Annual Operational Plan.
74. Delegation under s21 of Plumbing and Drainage Act 2011.
75. To proclaim a "Boil Water Notice" over part or all of the area supplied with drinking water and to lift such a notice when appropriate to do so.
76. To proclaim a "Do Not Drink Notice" over part or all of the area supplied with drinking water and to lift such a notice when appropriate to do so.
77. To prosecute breaches of current overloading regulations referred to Western Plains Regional Council by Moree Plains Shire Council on behalf of the North West Weight of Loads Committee (Refer Dubbo City Council Clause WSC13/79 15 July 2013)

78. To write off debts of up to and including \$5,000 pursuant to s213 of the Local Government (General) Regulation 2005 only when the debt is not lawfully recoverable, as a result of a decision of a court or if the Council or the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.
79. To exercise delegations from the National Heavy Vehicle Regulator Board dated 3 February 2014 and pursuant to s661(1) (b) of the Heavy Vehicle National Law (Over size/ Over mass vehicle exemption permits) as applied in participating jurisdictions (the National Law) to the Road Manager, those functions specified in Column 1 and Column 2 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1. The delegate may subdelegate to suitably qualified persons who are subject to the direction and control of the delegate for the purpose of giving effect to the National Law.

The General Manager shall, if so requested by the Administrator, refer any matter that could be dealt with under delegated authority to the full Council for decision.

The following delegations were determined by the Minister for Planning from the Western Joint Regional Planning Panel:

- **Straight forward applications**

The delegation will allow Council to determine regionally significant applications where there have been no objections received, and the assessment report recommends approval (either with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Designated Development**

The delegation will allow Council to determine designated development with a Capital Investment Value of \$5 million or less, which is currently determined by a Regional Panel. The delegation would apply regardless of whether there have been objections received, provided the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application. (Refer Dubbo City Council Clause PDC10/010, 28 June 2010)

- Making of Local Environmental Plan (LEP) Amendments subject to the necessary 'Gateway Determinations' by the Department of Planning in each individual case other than in relation to any proposal involving reclassification or classification of public land. (Minister for Planning and Infrastructure August 2012)

The following Delegation to the General Manager is provided under the State Emergency and Rescue Management Act 1989 (SERM Act):

- The General Manager of the Council is to be the Chairman of the Local Emergency Management Committee.

80. Issue testimonials in all instances where the application complies with Council's policy relating to such issues.
81. Obtain legal advice from Council's solicitors or counsel where necessary.
82. To determine matters which are included in the Business Papers of Council and its Committees, subject to the inclusion of the following items when they arise, namely:
 - (a) Reports on matters which cannot be determined under delegated authority.
 - (b) Reports required to be submitted under any act or regulation.
 - (c) Matters requiring a determination of policy.
 - (d) Reports directed by the Council to be submitted.
 - (e) Matters essential for the Council's information.
83. To disclose Council records pursuant to Section 12(6) of the Local Government Act, 1993 (as amended) in accordance with any legal obligations of any Act or Regulation and any resolution of Council.
84. To issue any notice, direction or order by or on behalf of the Council, to lay information and to make complaints in respect of any offence as specified in the Rural Fires Act, 1997 (as amended), to institute and carry on any proceedings and to represent the Council in any Local/District Court.
85. To enter upon land and do any such acts, matters and things as the owner or occupier was required to do in satisfaction of the provisions of the Rural Fires Act, 1997 (as amended).
86. To determine applications for access to the non-tourist areas of the Caves upon recommendation of the Wellington Caves Technical Advisory Group.
87. To give approval to "approved forms" as defined by the Local Government Act, 1993 (as amended).
88. Carry out the regular services and operations of the Council within the sums voted by the Council for such expenditure, and in accordance with the resolutions of Council and the requirements of the Local Government Act, 1993 (as amended).
89. Authorise the payment of salaries and wages of the staff of Council within the sums voted by Council for such expenditure.
90. Obtain quotations and authorise the purchase of goods, works and services in accordance with the requirements of the Local Government Act, 1993 (as amended) and the Local Government (General) Regulation, 2005 (as amended).
91. Approve financial returns required by various organisations, initiate debt recovery procedures and do all other things necessary to ensure the efficient and effective management of Council's finances as required by the Local Government Act, 1993 and the Local Government (Financial Management) Regulation, 1999 (as amended).

92. To appoint Impounding Officers and authorised persons to impound and/or destroy certain animals and articles pursuant to the Impounding Act, 1993 (as amended).
93. To implement the provisions of the Companion Animals Act, 1998 and Regulations and serve any notice for breaches of the subject Act and Regulations.
94. Pursuant to any delegation from the NSW Food Authority to issue Improvement Notices under Section 58 of the Food Act 2003.
95. To implement the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation, 2005.
96. To implement Council Regulations and Meat Industry Codes of Practice governing the handling, movement and welfare of livestock at the Saleyards and Showgrounds.
97. To reject a Development Application pursuant to Section 51 of the Environmental Planning and Assessment Regulation 2000.

WESTERN
PLAINS
REGIONAL
COUNCIL

Incorporating the former
Dubbo City & Wellington councils

REPORT: Auditing Services for Western Plains Regional Council

AUTHOR: Manager Governance and Risk Services
REPORT DATE: 16 May 2016
TRIM REFERENCE: ID16/812

EXECUTIVE SUMMARY

Section 424(1) of the Local Government Act 1993 provides that a Council's Auditor holds office for six years and, if otherwise qualified, is eligible for re-appointment subject to this section. The former Dubbo City and Wellington councils have both utilised the services of the Luka Group for auditing purposes since 2013. This report recommends utilising the Luka Group to undertake the audit of the former Dubbo City Council and Wellington Council and the ongoing use of the Luka Group for auditing services of the Western Plains Regional Council. The report also recommends that the General Manager be authorised to negotiate audit fees for these services.

FINANCIAL IMPLICATIONS

The financial implications are detailed in the body of this report. Sufficient funds have been allocated to fund auditing services.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That the Luka Group be confirmed as the Auditor to conduct audits of the former Dubbo City Council and Wellington Council for the period 1 July 2015 to 12 May 2016.
2. That the Luka Group be confirmed as the Auditor to conduct audits of the Western Plains Regional Council for the period 13 May 2016 to 30 June 2017.
3. That the General Manager be authorised to negotiate audit fees with the Luka Group for these services.
4. That the necessary documentation be executed under the Common Seal of Council.

Michael Ferguson
Manager Governance and Risk Services

REPORT

Section 424(1) of the Local Government Act 1993 provides that a Council's Auditor holds office for six years and, if otherwise qualified, is eligible for re-appointment subject to this section. The former Dubbo City and Wellington councils have both utilised the services of the Luka Group for auditing purposes since 2013. This report recommends that the Luka Group be continued as Councils auditor to undertake the audit of the former Dubbo City Council and Wellington Council for the 2015/2016 period (ending 12 May 2016) and for auditing services of the Western Plains Regional Council for the period 13 May 2016 until 30 June 2017. It should be noted that the Luka Group was contracted by both the former Dubbo City and Wellington councils for a six (6) year period commencing 1 July 2013 which expires 30 June 2019. The report also recommends that the Interim General Manager be authorised to negotiate any amendments to audit fees for these services.

The Luka Group has been a long term auditor of both the former Dubbo City and Wellington councils and has a long history in auditing in Local Government. The firm has a presence in Dubbo with a major branch operating from River Street in Dubbo.

Mr Jeff Shanks is the Engagement Partner. Mr Shanks has had over 20 years experience in audit of Local Government clients, and 13 years as Audit Partner at the Dubbo office of the Luka Group.

It is expected that the costs associated with the audit service will be approximately \$102,000 for 2015/2016 based on the previous individual audit fees for Dubbo City and Wellington councils. The service offered is the undertaking of two interim audits, an Annual Financial Statements audit, and attendance at meetings as required.

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

AUTHOR: Manager Governance and Risk Services
REPORT DATE: 19 May 2016
TRIM REFERENCE: ID16/826

EXECUTIVE SUMMARY

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

FINANCIAL IMPLICATIONS

Funding is available to cover potential expenses arising from the eventual adoption of the policy.

POLICY IMPLICATIONS

Once adopted, this document will become a Policy of Council.

RECOMMENDATION

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

Michael Ferguson
Manager Governance and Risk Services

REPORT

Section 252 of the Local Government Act 1993 requires Council to adopt a policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors in relation to discharging the functions of civic office. The former Dubbo City and Wellington councils both had adopted policies for this purpose. Following the merger of these councils into the Western Plains Regional Council, these policies are no longer valid as an Administrator has been appointed and it is appropriate to adopt a policy for the payment of expenses and provision of facilities for the Administrator.

In accordance with the requirements of section 253 of the Local Government Act 1993, Council is required to give public notice of its intention to adopt this policy and provide an opportunity for the public to make submissions on the draft policy. A further report will be provided to Council in due course following the closure of the public exhibition period.

Appendices:

- 1** Draft Policy Payment of Expenses and Provision of Facilities for the Administrator

WESTERN PLAINS REGIONAL COUNCIL

Incorporating the former
Dubbo City & Wellington councils

WESTERN PLAINS REGIONAL COUNCIL

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

May 2016

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

DRAFT

WESTERN PLAINS REGIONAL COUNCIL

POLICY

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE ADMINISTRATOR

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PART 1 – INTRODUCTION

1.1 Introduction

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

1.2 Purpose of this Policy

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

1.3 Legislative Provision

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

1.4 Relationship to Annual Fees

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

1.5 Code of Conduct

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

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

benefit or the benefit of any other person or body.

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

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

PART 2 – FACILITIES FOR THE ADMINISTRATOR

2.1 Administrator

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

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

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

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

When seeking information on policy issues and day to day matters, in the exercise of

their role of the Council, the Administrator is to direct their enquiries to the General Manager, the relevant Director, or an officer nominated by the Director.

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

2.3 General Provisions

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

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

2.4 Monetary Limits

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

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

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

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

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

PART 3 - TRAVELLING ON COUNCIL BUSINESS

3.1 Definition of Conference

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

3.2 Who may attend conferences:

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

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

3.3 Development Programs

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

3.4 Conference Costs

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

3.4.1 Registration

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

3.4.2 Accommodation

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

3.4.3 Travel

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

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

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

3.5 Out-of-Pocket Expenses

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

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

3.6 Conference Costs - Payment in Advance

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

3.7 Conference Costs - Delegates' Accompanying Person

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

3.8 Local Functions

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

3.9 Overseas Travel

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

Retrospective re-imburement for overseas travel is not permitted.

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

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

3.10 Care

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

3.11 Expenses Claim Approval

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

3.12 Disputes Resolution

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

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

PART 4 - LEGAL ASSISTANCE

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

In the event of:

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

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

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

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

4.2 Legal Advice

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

PART 5 - INSURANCES

5.1 Personal Accident Insurance

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

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

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

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

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

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

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

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

JOURNEY

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

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

5-6: Not applicable

SCHEDULE OF BENEFITS

Sum Insured as per Table of Events – Each Covered Person

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

Section 2 – Kidnap and Extortion

Category 1 to 4 (Maximum Per Event) \$500,000

Category 5 to 6 Not Insured

Section 3 - Hijack and Detention

Category 1 to 4

Daily Benefit \$1,000 (30 days maximum)

Legal Costs \$50,000

Category 5 to 6 Not Insured

Section 4 - Medical and Additional Expenses and Cancellation and Curtailment Expenses

Category 1 to 4

Medical Expenses Unlimited

Cancellation/ Curtailment expenses Unlimited

Evacuation and Repatriation Unlimited

Category 5 to 6

Medical Expenses Not Insured

Cancellation/ Curtailment expenses Not Insured

Evacuation and Repatriation Not Insured

Section 4(A) – Non Medicare Medical Expenses and Out-of-Pocket Expenses

Category 1 to 2 Not Insured

Category 3 to 6 \$20,000

Section 5 – ACE Assistance

Category 1 to 4 Included

Category 5 to 6 Not Included

Section 6 – Loss of Deposits

Category 1 to 4 \$15,000

Category 5 to 6 Not Insured

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

Compensation for Overseas Travel

Category 1 to 4

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

Category 5 to 6

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

Compensation for Domestic Travel

Category 1 to 4

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

Category 5 to 6

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

Section 8 - Alternative Employee/Resumption of Assignment Expenses

Category 1 to 4 \$20,000

Category 5 to 6 Not Insured

Section 9 – Personal Liability

Category 1 to 4 \$10,000,000

Category 5 to 6 Not Insured

Section 10 - Rental Vehicle Excess Waiver

Category 1 to 4 \$7,500

Category 5 to 6 Not Insured

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

Category 1 to 4

Weekly Benefits \$1,000

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

Aggregate Limit of Liability \$5,000,000

Category 5 to 6

Weekly Benefits Not Insured

Damages, Costs and Expenses Not Insured

Aggregate Limit of Liability Not Insured

Section 12 – Missed Transport Connection

Category 1 to 4 \$10,000
 Category 5 to 6 Not Insured

Section 13 – Overbooked Flight

Category 1 to 4 \$5,000
 Category 5 to 6 Not Insured

Section 14 – Political & Natural Disaster Evacuation

Category 1 to 4 Annual Aggregate \$500,000
 Category 1 to 4 Maximum Per Person \$25,000
 Category 5 to 6 Annual Aggregate Not Insured
 Category 5 to 6 Maximum Per Person Not Insured

Section 15 – Search & Rescue Expenses

Category 1 to 4 Annual Aggregate \$100,000
 Category 1 to 4 Maximum Per Person \$20,000
 Category 5 to 6 Annual Aggregate Not Insured
 Category 5 to 6 Maximum Per Person Not Insured

AGGREGATE LIMIT OF LIABILITY FOR ALL COUNCILS COMBINED

Any One Period of Insurance \$10,000,000
 Non-Scheduled Aircraft \$1,000,000

WEEKLY BENEFIT PERIOD

156 Weeks from the date of Injury

AGE LIMITATION

Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.

5.2 Professional Indemnity/Public Liability Insurance

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

5.3 Councillors' and Officers' Liability Insurance

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

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

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

PART 6 - ANNUAL FEES

6.1 Fees Payable to the Administrator

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

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

NAME: _____ **DATE:** _____

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

TRAVELLING EXPENSES

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

OUT OF POCKET EXPENSES

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

TOTAL PAYABLE \$ _____
(office use)

Name of Claimant: _____

Signature of Claimant: _____ Date: _____

Payment Approved _____ MANAGER GOVERNANCE AND RISK SERVICES

Payment Authorised _____ GENERAL MANAGER

STATUTORY DECLARATION

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

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

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

do solemnly and sincerely declare (2)

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

(3) Signature of person making the declaration.

(3).....

Declared at (place)

on (date)

before me (in the presence of),

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

(4)

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

(5)

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

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

WESTERN PLAINS REGIONAL COUNCIL

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

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

NAME: _____ **DATE:** _____

PURPOSE OF TRAVEL:

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

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

BANK ACCOUNT DETAILS FOR CASH ADVANCE

Name of Account:

Bank Name:

BSB: _____ **Account Number:** _____

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

Signed: _____ **Date:** _____

Payment Authorised: _____

GENERAL MANAGER

WESTERN
PLAINS
REGIONAL
COUNCIL

Incorporating the former
Dubbo City & Wellington councils

REPORT: Investments Under Section 625 of the Local Government Act

AUTHOR: Director Organisational Services

REPORT DATE: 16 May 2016

TRIM REFERENCE: ID16/787

EXECUTIVE SUMMARY

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

Investments have been placed in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy.

This report details investments and annualised returns for the month of April 2016 for both the former Dubbo City and Wellington councils.

FINANCIAL IMPLICATIONS

Interest earned is contained within Council's Operational Plan.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained within this report be noted.

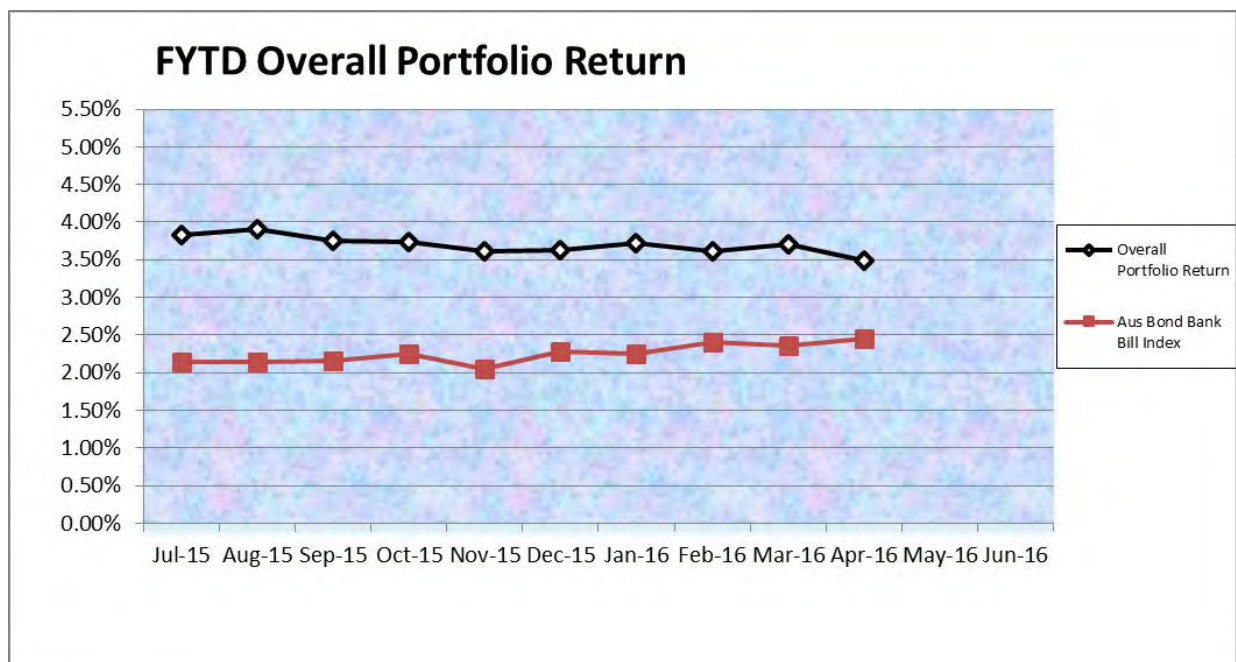
Craig Giffin

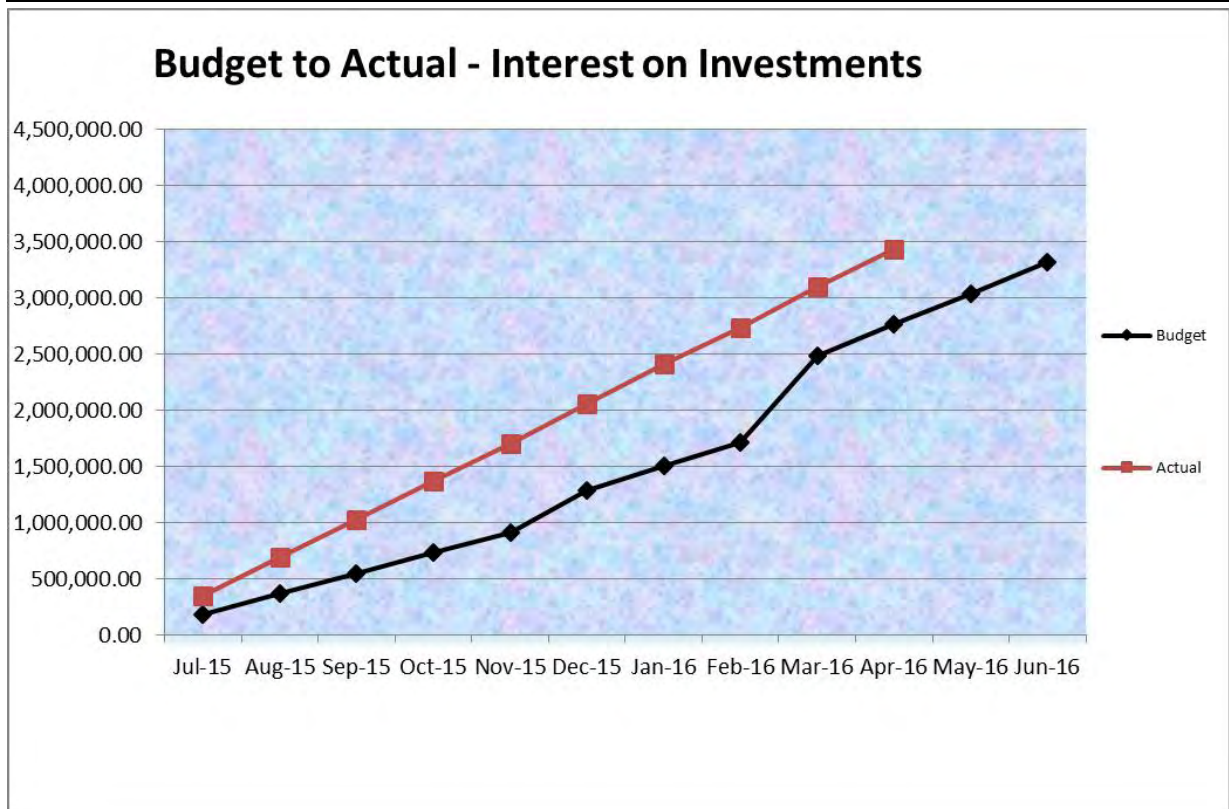
Director Organisational Services

REPORT

Former Dubbo City Council investments

APRIL 2016 REPORT					
Investments	Notes	2016	2016	2016	2016
		Current Maturity By 30/06/2017	Non-Current Maturity After 30/06/2017	Total As at 30/04/2016	Total As at 31/03/2016
Cash & Cash Equivalents (Note 6a)					
Cash on Hand and at Bank		\$19,050.00	\$0.00	\$19,050.00	\$38,424.99
Cash-Equivalent Assets (1)					
- Deposits At Call		\$9,081,653.39	\$0.00	\$9,081,653.39	\$10,724,218.83
Total Cash & Cash Equivalents	6(a)	\$9,100,703.39	\$0.00	\$9,100,703.39	\$10,762,643.82
Investments (Note 6b)					
- Long Term Deposits > 3 Months		\$76,289,604.11	\$21,857,803.00	\$98,147,407.11	\$100,647,407.11
- NCD's and FRN's > 3 Months		\$4,498,855.37	\$3,502,048.24	\$8,000,903.61	\$5,500,575.94
Total Investments	6(b)	\$80,788,459.48	\$25,359,851.24	\$106,148,310.72	\$106,147,983.05
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS					
		\$89,889,162.87	\$25,359,851.24	\$115,249,014.11	\$116,910,626.87
(1) Those Investments where time to maturity (from date of purchase) is < 3 months					





Council’s Investments Are Currently Held with the Following Financial Institutions

- AMP Bank
- ANZ Bank
- Bank of Queensland
- BankWest
- Bendigo and Adelaide Bank
- Commonwealth Bank of Australia
- IMB Ltd
- Macquarie Bank
- Macquarie Credit Union
- National Australia Bank
- Newcastle Permanent Building Society
- St George Bank
- Suncorp Bank
- UBS Cash Management Trust
- Westpac Banking Corporation

Former Wellington Council investments are attached as **Appendix 1 and 2**.

SUMMARY

Council outperformed the 11am Official Cash Rate market benchmark of 2.00%, with an average annualised return of 2.50% for its At Call investments for the month of April 2016.

Council also outperformed the Bloomberg AusBond Bank Bill Index of 2.45%, with an average annualised return of 3.49% for its overall portfolio return for the month of April 2016.

Appendices:

- 1** Schedule of Investments - Former Wellington Council
- 2** Principal at Risk - Former Wellington Council

Schedule of Investments

as at 30.4.2016

Government Guarantee: \$250,000

Date Invested	Bank/Institution	Rating	Face Value	Market Value	Days/Mths Invested	Interest Rate	Maturity Date
Term Deposits							
11-Aug-15	CBA	AA-	800,000.00	800,000.00	9 Mths	2.88	8-May-16
8-May-13	CBA	AA-	500,000.00	500,000.00	3 Yrs	4.50	8-May-16
28-Oct-15	Westpac	AA-	1,000,000.00	1,000,000.00	7 Mths	2.60	28-May-16
2-Mar-16	NAB	AA-	2,000,000.00	2,000,000.00	120	2.95	30-Jun-16
2-Jul-15	CBA	AA-	750,000.00	750,000.00	12 Mths	2.85	1-Jul-16
23-Feb-16	NAB	AA-	1,000,000.00	1,000,000.00	6 Mths	2.05	23-Aug-16
9-Mar-16	WAW Credit Union	Unrated	250,000.00	250,000.00	365	3.05	9-Mar-17
	CBA - Money Market	AA-	3,800,000.00	3,800,000.00	At Call	1.95	N/A
	AMP - 31 Day Notice Account	A-1	4,188,443.33	4,188,443.33	31 Day Call	2.70	N/A
	AMP - Business Saver Account	A-1	1,525,761.60	1,525,761.60	At Call	2.55	N/A
Fixed Rate Bonds							
4-Dec-13	CBA	AA	1,000,000.00	1,030,654.00	5 Yrs	4.50	31-Oct-18
Floating Rate Notes							
10-Jan-14	Members Equity Bank	BBB	1,000,000.00	1,009,230.00	3 Yrs	3.54	28-Nov-16
29-Feb-14	Greater Building Society	BBB	1,000,000.00	1,006,910.00	3 Yrs	3.58	24-Feb-17
4-Dec-14	Teachers Mutual Bank Ltd	BBB	500,000.00	500,185.00	3 Yrs	3.37	4-Dec-17
14-Sep-15	QLD Teachers Mutual Bank Ltd	BBB	500,000.00	501,245.00	818 Days	3.38	11-Dec-17
7-Jul-15	Heritage Bank Ltd	A3	2,000,000.00	1,989,260.00	1035	3.43	7-May-18
12-Jun-14	Bank of Queensland	A-	1,000,000.00	1,002,840.00	4 Yrs	3.34	12-Jun-18
23-Apr-14	Suncorp-Metway	A+	1,000,000.00	1,003,780.00	5 Yrs	3.37	23-Apr-19
11-Dec-15	AMP	A-1	750,000.00	755,070.00	3.50 Yrs	3.43	11-Jun-19
24-Jun-14	Bank of Queensland	A-	1,000,000.00	1,000,670.00	5 Yrs	3.40	24-Jun-19
13-Apr-16	CBA	AA-	1,000,000.00	1,004,430.00	3.25 Yrs	3.27	18-Jul-19
20-Aug-14	Suncorp-Metway	A+	1,000,000.00	1,001,380.00	5 Yrs	3.22	20-Aug-19
17-Sep-14	Bendigo Adelaide Bank Limited	A-	1,000,000.00	994,330.00	5 Yrs	3.25	17-Sep-19
12-Feb-15	Bank of Queensland	A-	500,000.00	494,425.00	5 Yrs	3.35	12-Feb-20
17-Jul-15	CBA	AA-	1,000,000.00	998,110.00	5 Yrs	3.18	17-Jul-20
24-Jul-15	CBA - Fixed Rate Deposit	AA-	500,000.00	500,500.00	5 Yrs	3.22	24-Jul-20
24-Jul-15	CBA - Deposit Plus	AA-	500,000.00	500,000.00	5 Yrs	3.02	24-Jul-20
20-Apr-16	CBA - Deposit Plus	AA-	1,000,000.00	1,000,000.00	5 Yrs	4.00	20-Apr-21
Lehman Brothers CDO's							
15-Sep-08	Investments Held with ANZ Nominees		115,915.00	7,352.39		0.00	
Total Investments			32,178,119.93	32,112,076.32	Average Rate =	3.10	

Performance Benchmark as per Council Policy

Investment % Held as per Council Policy

Direct / Other Investments

Institution	Amount Invested	% Invested	Allowable as per Policy	Allowable as per Policy
CBA	10,850,000.00	34%	30%	9,653,436
AMP	6,462,204.93	20%	30%	9,653,436
MEMBERS EQUITY BANK	1,000,000.00	3%	5%	1,606,906
WESTPAC	1,000,000.00	3%	30%	9,653,436
NAB	3,000,000.00	9%	30%	9,653,436
HERITAGE BUILDING SOCIETY	2,000,000.00	6%	10%	3,217,812
TEACHERS MUTUAL BANK LTD	500,000.00	2%	5%	1,606,906
QLD TEACHERS MUTUAL BANK LTD	500,000.00	2%	5%	1,606,906
BENDIGO ADELAIDE BANK LIMITED	1,000,000.00	3%	10%	3,217,812
WAW CREDIT UNION	250,000.00	1%	5%	1,606,906
SUNCORP METWAY	2,000,000.00	6%	10%	3,217,812
BANK OF QUEENSLAND	2,500,000.00	8%	10%	3,217,812
GREATER BUILDING SOCIETY	1,000,000.00	3%	5%	1,606,906
Lehman Brothers CDO's				
Lehman CDO	115,915.00	0.00%		
		32,178,119.93	100%	

Damen Whiteley Karen Roberts

Acting Director Corporate Services **Acting General Manager**



April Monthly Report
for
Wellington Council

Prepared by
Amicus Advisory Pty Ltd

29 April 2016



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Introduction

In the section below is a summary of the assessment of your portfolio on an individual security basis and as a portfolio. Detailed analysis of each of the individual structured securities you hold then follows. It is this detailed analysis that serves as a basis for the conclusions we have drawn in the summary section.

Explanation of Categorisation of Risks

For ease of communication we have assigned a rating to each of the securities in your portfolio based on our assessment of the risk. The definitions of these ratings are as follows.

Low: This represents a very secure and robust transaction where we estimate the likelihood of any disruption of cash flows or a default is minimal. In quantitative terms this would correspond to a risk of loss of <2%.

Moderate: This represents a transaction where we estimate there is some risk but the structure has a reasonable degree of robustness and is still resilient to some stresses. In quantitative terms this would correspond to a risk of loss in the 2% to 5% area.

Material: This represents a transaction where we estimate there is a clear risk of either a small number of idiosyncratic (single entity events) or a systemic event in one sector or area that would cause the transaction to become distressed. In quantitative terms this would correspond to a risk of loss in the 5% to 10% area.

Serious: This is where we estimate there is a clear and present danger, either idiosyncratic or systemic that is likely to cause the transaction to experience a loss due to a lack of resilience to such an event of events. In quantitative terms this would correspond to a risk of loss in the 10% to 25% area.

High: This represents situations where there is a high degree of uncertainty but the balance of probabilities suggests that repayment of principal is more likely than not. In quantitative terms this would correspond to a risk of loss between 25% and 50%.

Very High: This represents a transaction where we estimate a very high probability of partial or total loss of principal. In quantitative terms this would correspond to a risk of loss between 50% and 90%.

Near Certain Loss: This represents situations where we estimate there is little chance of receiving the promised cash flows from the transaction. In quantitative terms this would correspond to a risk of loss > 90%.

Partial Loss: This represents a transaction where we estimate a partial loss of principal has occurred.

The above categories are designed to provide a simple format for summarising the risk as are the quantitative assessments which in a number of cases represent our best judgement in the face of conflicting information. It is also important to remember that global financial markets currently remain dynamic and securities can and will change categories as new information becomes available, market conditions change or situations develop or unfold. For completeness we also highlight that there are no absolute certainties, so no security has an absolute 0% or 100% risk of loss.



Summary Table by Risk Category

Overall in terms of principal at risk our assessment from the table above is that your portfolio has the following risk distribution.

<u>Category</u>	<u>Principal at Risk[^]</u> <u>\$K</u>
Low	29,350
Moderate	0
Material	0
Serious	0
High	0
Very High	0
Near Certain Loss	0
Partial Loss	160
Total	29,510

Summary Table of Monthly Movements Within and Between Risk Categories

<u>April Monthly Risk Movement</u>	<u>Number of Securities</u>
Upgraded to a Lower Risk Category	0
Positive (Lower Risk) Movement within Current Category	0
Neutral Risk Movement within Current Category	1
Negative (Higher Risk) Movement within Current Category	0
Downgraded to a Higher Risk Category	0
Total Number of Securities Held[^]	1

[^]Only includes Legacy Asset

**REPORT: Modified Development
Application (D15-310) for Child Care Centre
Property: Lot 12 DP 1190170, 16-18 Spears
Drive, Dubbo
Applicant: Gowrie NSW
Owner: Gowrie NSW**

**AUTHOR: Senior Planner 1
REPORT DATE: 16 May 2016
TRIM REFERENCE: ID16/580**

EXECUTIVE SUMMARY

A Section 96(1A) modification of Development Consent D2015-310 was lodged with Council on 23 December 2015 seeking deletion of the Section 94 Urban Roads contributions imposed in Condition 57, and to modify Section 64 Water Supply Headworks contributions imposed in condition 55 of the development consent.

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

“3.6 Flexibility in Imposition of Contributions

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

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

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

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

The applicant has requested that the Urban Roads contribution be waived due to the development itself providing a perceived material public benefit to the community and the Applicant being a not-for-profit organisation.

Upon review of the information provided, it is recommended that the urban roads contribution, namely condition 57, not be modified as the Applicant has failed to adequately justify the waiving of the contribution against the relevant criteria as stipulated in the Urban Roads Contributions Plan.

In addition, during the review of the consent, it was identified that an administrative error was made in determining the Water Supply Headworks Contributions (condition 55). Condition 55 requires a contribution of \$18,930.15 (3.45ET). The correct figure should be \$15,089.25 (2.75ET). The Applicant is consequently seeking amendment of this condition also.

It is therefore considered appropriate condition 55 in the conditions of development consent provided attached as **Appendix 1** be amended to reflect the correct Water Supply Headworks contribution calculation.

This report considers the requested amendments to conditions 55 and 57 but recommends that condition 55 only be amended.

FINANCIAL IMPLICATIONS

Should Council proceed with the recommendation as a consequence of the amendment to this development consent, revenue from Water Supply Headworks Contributions would be reduced by \$3,840.90 (2015/2016 financial year figure).

Any variation to the levied Urban Roads contribution (\$20,049.90) would potentially impact the funds collected under the Section 94 Roads Contribution Plan which would in turn reduce the ability of Council to fund necessary urban road projects in the City without impacting upon the General Fund revenue.

Should Council determine to accede to the request to delete condition 57, the financial implication would effectively be a subsidy of \$20,049.00 for the subject development.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That condition 55 of development consent D15-310 be amended to read as follows:
“Prior to the issue of the Occupation Certificate, the contribution by the developer of \$15,089.25 (2.75ET) for Water Supply Headworks contributions, calculated on a per 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.

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 Revenue Policy.

Note 1: Council’s adopted 2015/2016 rate is \$5,487.00 per ET. An appropriate credit 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}”
2. That the request to delete condition 57 of Development Consent D2015-310 to waive Section 94 Urban Roads contributions not be acceded to as the justification provided is not consistent with the Section 94 Plan – Roads, Traffic Management and Car Parking.

Shaun Reynolds
Senior Planner 1

BACKGROUND

Development consent was granted on 24 September 2015 for a child care centre at the former Gordon Community Centre in west Dubbo. Specifically, the proposed development comprised:

- Alterations to an existing 340 m² brick community centre for use as administration, preparation of meals, staff facilities and training facilities for a child care centre;
- Demolition of a 154 m² weatherboard extension on the eastern side of the community centre. Open verandah areas around the perimeter of the community centre as well as other minor structures such as a brick barbecue area and brick retaining wall to be demolished;
- Construction of a 332 m² building to be utilised for child care operations. The building will include under-cover play space, storage and child sanitary facilities;
- Construction of an 80 m² under-cover play area including sanitary facilities and storage;
- Construction of outdoor play areas including two (2) sand pits and climbing equipment;
- Construction of a 13 space off-street car park on the western side of the main building and new driveway crossover off Brennan Avenue;
- Construction of a 36 m² underground stormwater storage tank in the south-eastern corner of the property; and
- Provision of new fencing and landscaping throughout.

The child care centre is proposed to accommodate 50 children and will operate from 6 am to 7 pm, Monday to Friday. The centre will employ 10 full time and five (5) part time staff.

The Application also proposes an ancillary use of the child care centre for industry training with specific areas provided for child care students to observe and watch peers undertake child care and education. A large training room within the main building will be utilised for training and meetings associated with child care education. The industry training component of the site will operate from 7 am to 6 pm, Monday to Friday and from 8 am to 5 pm on Saturdays.

A copy of the approved development plans are provided attached as **Appendix 2**.

REPORT

1. APPLICATION DETAILS

Owner: Gowrie NSW
Applicant: Gowrie NSW
Consultant: Geolyse Pty Ltd

A Modified Development Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 was lodged with Council on 23 December 2015.

The Application initially proposed a reduction in, or waiver of, Section 94 Urban Roads contributions (condition 57) pursuant to Clause 3.6 of the Contributions Policy. The original Development Application was assessed based on the existing building having a credit of 132 trips based on a Gross Floor Area (GFA) of 441 m². The Applicant however has stated that the credit should be 141 trips due to the existing building having a GFA of 470 m².

Following the receipt by the Applicant of a further information letter from Council on 15 February 2016, the Applicant deemed Council's calculations suitable however, decided to instead revise their application to simply request that the contributions be waived altogether.

A detailed assessment is provided in this report.

2. SECTION 96 REQUIREMENTS

Section 96(1A) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) pertains to modifications to a development application involving minimal environmental impact. It states:

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
 - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*
- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*

It is considered that the proposed modification would result in negligible environmental impacts and is substantially the same development as the consent which was originally granted. Neighbouring landowners were not notified of this modified application due to the minor nature of the modification.

The information detailed below provides an assessment of those areas of the development which will require assessment with Section 79C of the EP&A Act as is relevant.

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

3. ASSESSMENT

The Applicant is seeking to have waived the Section 94 Urban Roads contributions as stipulated in condition 57 of Development Consent D2015-310 Part 1. The condition reads:

*“57. Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of **\$20,049.90** (53 trips) in accordance with Council’s adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.*

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

Note 1: Council’s adopted 2015/2016 financial year rate is \$378.30 per commercial trip (including administration fee).

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

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

The Applicant’s request is based on the argument that the development will provide a material public benefit to the community through the provision of child care places, as well as a training facility for those studying within the industry. Urban Roads contributions are also sought to be waived due to the Applicant and operator of the proposed child care centre (Gowrie NSW) being a not-for-profit organisation.

The Applicant is also seeking to amend Section 64 Water Supply Headworks contributions as stipulated in condition 55 of Development Consent D2015-310 Part1. The condition reads:

*“55. Prior to the issue of the Occupation Certificate, the contribution by the developer of **\$18,930.15** (3.45ET) for water supply headworks contributions, calculated on a per 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.*

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 2015/2016 financial year rate is \$5,487.00 per ET. An appropriate credit 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}"

Following determination of the Development Application Council made the Applicant aware of an administrative error in the wording of condition 55. The correct contribution, as stipulated in the Responsible Officer's report, is \$15,089.25 (2.75ET). The Applicant has therefore requested condition 55 be amended to the correct contribution.

4. LEGISLATIVE REQUIREMENTS

Land Use Permissibility

The subject property is zoned R2 Low Density Residential. The approval as a Child Care Centre is a permissible use in the R2 Low Density Residential zone. The approved land use is not being altered through this modification.

Section 94 Urban Roads Contributions Policy

Council's Section 94 Contributions Plan – Roads, Traffic Management and Car Parking (also known as Section 94 Urban Roads Contribution Plan) was adopted as amended on 25 February 2008 and replaced the Dubbo Urban Roads Contribution Plan dated February 1995.

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

"3.6 Flexibility in Imposition of Contributions

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

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

- (a) Where previous contributions have been paid on a particular property towards the planning need for which the contribution is to be levied and where it can be demonstrated that this can be attributed to the current development (i.e. that the demand for which the previous contribution was levied has not been realised and will be superseded by the current development application); or*
- (b) Where a material public benefit has been obtained by council in lieu of a monetary contribution for the purposes outlined in (a) above; or*

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

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

Initially the Applicant sought to have the contribution reduced, or alternatively waived completely. The most recent request from the Applicant is to have the contribution waived completely. In addressing Clause 3.6 of the LEP, the Applicant has attempted to identify that the child care centre will provide for a material public benefit to Dubbo advising that:

- "- Additional onsite learning facilities for tertiary early childhood students will be provided; and*
- The applicant is a registered not-for-profit organisation being an organisation that does not operate for the profit, personal gain or other benefit of particular people but rather for the benefit of those it serves ie the future children and tertiary child care students of Dubbo and the greater region."*

A full copy of the submission which includes the organisation's profit status is provided attached as **Appendix 3**.

Further information provided by the Applicant reiterates the perceived material public benefits of the development:

- "- Provides for the reactivation of the unused Gordon Community Centre building by young people and their families;*
- Provides additional onsite learning facilities (Training Room) for early childhood educators to participate in professional learning. This will be available for other not for profit training providers outside of Gowrie NSW as well; and*
- Monies received from the operation of the facility are re-invested into the community it serves i.e. the children and tertiary child care students of Dubbo and the Orana region, noting that the Applicant is a registered not for profit organisation on Australia which is defined under law as 'being an organisation that does not operate for profit, personal gain or other benefit of particular people but rather for the benefit of those it serves.'"*

A full copy of the second submission is provided attached as **Appendix 4**.

It is noted that the development, apart from operating as a child care centre, will also provide tertiary onsite learning facilities for child care students. The Application proposes that the main building will operate from Monday to Saturday for the purposes of providing child care training and courses. Observation rooms will also be provided adjacent to each child care room to allow tertiary child care students to observe child care in practice.

While not defined, a material public benefit is generally considered to be physical works undertaken by a developer in kind that will benefit the community such as roads, path/cycleways, utility infrastructure, public recreation areas and the like.

The benefits argued by the Applicant would generally be considered to be a social public benefit rather than a material public benefit to the community. The Policy makes no provision to allow contributions to be waived based on a development's perceived social public benefit.

The Applicant also argues that consideration should be made to waiving contributions based on the Applicant being a not-for-profit organisation. Again, the Policy makes no provision for waiving contributions on such basis.

It should also be noted that although the development involves a change of use, the cost of works as identified in the original Development Application is \$1.8 million. Therefore, as the cost of works exceeds \$100,000.00, the waiving of contributions under Section 1.3 of the Policy does not apply.

Council's Development Engineer has also assessed the proposal and has also determined that the justification to waive the contribution is not justified.

Section 64 Water Supply Headworks Contributions Policy

The original Development Consent imposed Section 64 contributions for water supply and sewerage supply, as well as Section 94 urban roads contributions as described above. The Applicant has only sought variation to urban roads contributions which have been described previously in this report.

During a review of the original assessment, an administrative error was identified in the imposition of water supply contributions through condition 55. The report identified that contributions should be \$15,089.25 (2.75ET). Condition 55 stated that the contribution is \$18,930.15 (3.45ET). The error was caused through the draft report being amended however the conditions were not updated accordingly. Consequently, the consent was generated with the original determined figure being shown.

Condition 55 provided in the conditions of development consent attached as **Appendix 1** will subsequently be amended to reflect the correct figure.

5. LIKELY IMPACTS OF THE DEVELOPMENT

It is considered that the proposed modification will not contribute to any adverse social or economic impacts to the natural or built environment.

6. SUITABILITY OF THE SITE

The overall layout and appearance of the development is not proposed to be altered through this modification.

7. SUBMISSIONS

Due to there being no physical change to the development as approved, neighbouring land owners were not notified of this application.

8. PUBLIC INTEREST

There are no matters other than those discussed in the assessment of the Modified Development Application above that would be considered to be contrary to the public interest.

9. INTERNAL REFERRALS

Engineering Assessment

The matters raised by Council's Development Engineer in their report dated 12 February 2016 have been discussed within this report. That report is provided attached as **Appendix 5**.

10. SUMMARY

The Applicant is seeking development consent to modify a previously approved Development Application for a child care centre at Lot 12 DP 1190170, 16-18 Spears Drive, Dubbo.

The physical appearance of the development is not being altered, nor the operational aspects of the development. Therefore it is considered that the modified development is not likely to have any significant negative impact upon the environment or upon the amenity of the locality.

The proposal seeks to waive the urban roads contribution that has been levied against this development pursuant to Council's Section 94 Contributions Plan – Roads, Traffic Management and Car Parking. As stated earlier in this report, it is considered the contribution cannot be waived as the Policy does not make provision based on the reasons argued by the applicant (ie social public benefit or non-for-profit status of an applicant/developer).

During assessment it was identified that water supply headworks contributions were incorrectly determined on condition 55. Consequently the Applicant has requested this be amended accordingly. Condition 55 provided in the conditions of development consent attached as **Appendix 1** will be amended to reflect the correct, reduced figure.

Appendices:

- 1 Conditions of Consent
- 2 Development plans
- 3 Submission from Applicant dated 22 December 2015
- 4 Submission from Applicant dated 11 April 2016
- 5 Engineering report dated 10 February 2016

CONDITIONS

- (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:

Drawing Title: Proposed Site and Analysis Plan
Drawing Number: 1001
Dated: 23.06.15
Revision: 7

Drawing Title: Existing and Demolition Site Plan
Drawing Number: 1002
Dated: 23.06.15
Revision: 3

Drawing Title: Proposed Floor Plan
Drawing Number: 1004
Dated: 23.06.15
Revision: 5

Drawing Title: Overall Elevations – West
Drawing Number: 1005
Dated: 23.06.15
Revision: 4

Drawing Title: Overall Elevations – East and Section 1
Drawing Number: 1006
Dated: 23.06.15
Revision: 4

Drawing Title: Overall Elevations – South and Section 2
Drawing Number: 1007
Dated: 23.06.15
Revision: 4

Drawing Title: Overall Elevations – North
Drawing Number: 1008
Dated: 23.06.15
Revision: 2

Drawing Title: Signage Details
Drawing Number: 1013
Dated: 23.06.15
Revision: 3

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

- (2) Prior to the issue of any construction certificate, details showing that emergency lighting will be provided within the existing building in accordance with Part E4 of the BCA and AS 2293.1 shall be submitted to the certifying authority.
{Reason: A fire safety upgrade requirement in accordance with Clause 94 of the EP & A Regulation 2000}
- (3) The water closet cistern installations shall not exceed a maximum 6 litre or 6/3 litre dual-flush suite.
{Reason: Statutory and Council requirement to conserve water}
- (4) 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}
- (5) 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 or be the subject of a performance based Alternative Solution in accordance with A0.10 of the BCA.

In this regard, if Council is engaged as the Certifying Authority, the Developer shall submit with the Construction Certificate application:

- (a) A Schedule listing the development's compliance, exemption or non-applicability to the following clauses of the Access Code under the *Disability (Access to Premises — Buildings) Standards 2010*:
- (i) Clauses D3.1 – D3.12;
 - (ii) Clause E3.6; and
 - (iii) Clauses F2.2 and F2.4; and
- (b) 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}
- (6) At least one (1) disabled car parking space, having a minimum width of 4.8 m and provided with the signage and marking requirements of AS/NZS 2890.6, shall be provided within the proposed car park. The marking and signage to such car park space shall be maintained in a trafficable and legible condition. Such parking space shall have a continuous accessible path of travel provided between it and the principal pedestrian entrance to the existing building.
{Reason: Council requirement in consideration of section 79C of the EP&A Act and the DDA 1992}
- (7) A hoarding barricade or fence shall be erected between the building and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works. If necessary, an awning sufficient to prevent any material from, or in connection with the work falling onto the public place is also to be erected.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.
{Reason: Council requirement for the protection of the public}

- (8) Any proposed alterations to be carried out to the existing building's sanitary plumbing and drainage and new 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 an approval authorizing such works.
{Reason: Statutory requirement of Local Government (General) Regulation 2005}
- (9) The full width of Council's footpath shall be kept free of all refuse, building materials and unnecessary traffic and disturbance. Any unauthorised material found upon Council's footpath may be impounded or removed without notice.
{Reason: Council requirement as the relevant road authority}
- (10) 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}
- (11) 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}
- (12) 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}
- (13) 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 the Development Consent.

Advanced notification for an inspection should be made by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Environmental Services 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}

- (14) If Council is appointed the Principal Certifying Authority (PCA) for the proposed building work the following inspections for the subject building work must be undertaken and approved by Council prior to such works being covered. In this regard, at least 24 hours notice shall be given to permit such inspections to be performed. 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 Environmental Services Division on 6801 4612.

Critical Stage Inspections:

- The excavation and reinforcement for pad footings and piers prior to pouring concrete.
- Foundation footings with reinforcement and level pegs in position prior to pouring of concrete.
- Final inspection of the building upon its completion prior to its occupation or use.

Other inspections required to be undertaken by Council as the PCA:

- Concrete floors/slabs with reinforcement and level pegs in position prior to pouring of concrete.
- Framework for any roof, wall or other building element prior to covering.
- The water-proofing systems installed in the building's rooms with wet areas prior to covering.

Note: Failure to ensure that all of the above stated inspections are performed by Council will result in the non-issue of the building's Occupation Certificate.

{Reason: To ascertain the building is/has been erected generally in accordance with its Construction Certificate}

- (15) The hot water delivered to the outlets of any disabled facilities and the hand-basins, baths and any fixture used for the children's personal hygienic purposes shall not exceed 45°C. Any other fixtures shall not exceed 50°C.

{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

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

{Reason: Statutory and Council requirement}

- (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 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 building 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) 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}
- (20) 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}
- (21) 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:
- Protect and support the adjoining premises from possible damage from the excavation; and
 - 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}

- (22) 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:
- The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
 - 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
 - Stating 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}

- (23) 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}

- (24) 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}

- (25) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractors 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}

- (26) Prior to the issue of any Occupation Certificate for the proposed building work, the development's external works which includes landscaping, car park and hardstand areas, traffic signage and line marking, vehicular cross-overs and any conditioned road/footpath upgrading must have been completed in conformity with this development consent; unless the deferment of such works in part or in stages has been agreed to in writing by the Consent Authority.

{Reason: To ensure the development is completed prior to its occupation and use}

- (27) A commercial standard concrete vehicular cross-over, constructed in accordance with Council's standard STD 5211, shall be provided by and at full cost to the Developer at the location shown on the approved development plan.

However, prior to any construction works on the vehicle crossover being undertaken a detailed (fully dimensioned) site plan is to be lodged with and approved by Council. The driveway is to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that two maximum size of vehicle (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access the subject land in a forward motion from the through travel lane(s) of the Brennan Avenue without the need to cross over onto the wrong side of the road at any time.

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.

Should Council's 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.

Prior to any works commencing the Applicant/Developer is required to make a separate 'Driveway Inspection Application' with Council's Technical Services Division, plus payment of the appropriate fee(s).

{Reason: Council policy in respect of industrial/commercial/residential developments}

- (28) No vehicles larger than a 'Design Service Vehicle' 8.8 m in length, (utilising the Austroads design templates), are permitted to access the subject land and development proposal.
{Reason: The internal manoeuvrability and access to the subject land and proposed development will only facilitate service vehicles 8.8m in length or vehicles of lesser dimensions at this location}
- (29) Any alterations to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder or any other 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}
- (30) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area) until such time as a 'Road Opening Application' has been lodged with and approved by Council. As part of the proposed works appears to encroach onto the Brennan Avenue (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) will be required to be made to Council's Technical Services Division, plus payment of any appropriate fee(s).
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}
- (31) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.
{Reason: To provide safety for the travelling public utilising the public roadways}
- (32) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (33) No advertising, advertising sign(s) or structure(s) of any standard will be permitted to be displayed within (or overhang onto) the road reserve area(s). Note: This area also includes the footpath reserve area.
{Reason: To protect the amenity of the travelling public utilising the surrounding roadways}

- (34) No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary.
{Reason: Implementation of Council's policy codes}
- (35) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction and generally in accordance with the submitted 'Proposed Stormwater Management Plan' (Geolyse Project No. 114230, Sheet No. C004 of C005, set 02B, dated 25.06.2015).
- In this respect the Developer must have approved by Council, prior to the issue of the building's Construction Certificate, full and detailed hydraulic design calculations and drawings of the proposed development's stormwater drainage system.
- Additionally, prior to the discharge into Council's system, the Developer will be required to install at their own expense 'pollution control device(s)' (eg BCP stream-guards or similar in the car-park area) 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}
- (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) All walls, floors, ceilings, shelves, fittings and furniture 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}
- (38) 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}
- (39) 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. Prior to the business commencing, the premise shall notify Council and a satisfactory inspection completed.
{Reason: Statutory requirement of the Food Act 2003}
- (40) The building proposed to be used for manufacturing, preparing, storing or handling for food for sale shall be constructed and fitted out in accordance with the minimum requirements of the Food Standards Code and the Food Act 2003. 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.
{Reason: Statutory requirement and the implementation of Council's policy}
- (41) Should an exhaust fan be proposed over the stove/cooking area, it shall exhaust to the exterior of the building.
{Reason: Council requirement to prevent the creation of a fire hazard}

- (42) 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 Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

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

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

- (43) 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}

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

{Reason: To ensure environmentally safe disposal}

- (45) 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}

- (46) Demolition and construction work shall only be carried out within the following time:

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

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

- (47) The demolition of the subject building(s) 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}

- (48) 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}

- (49) Entry and exit points to and from the proposed development and off-street car parking shall be delineated and signposted to at least the standard outlined in Chapter 3.5 of the Dubbo Development Control Plan 2013.
{Reason: Implementation of Dubbo DCP 2013}
- (50) All hard stand areas, driveways, car parking and loading areas shall be fully paved in accordance with Chapter 3.5 Parking (3.5.7 – Construction Requirements) of the Dubbo Development Control Plan 2013, of a standard suitable to withstand the proposed traffic loadings. The proposed surface design details are to be submitted in conjunction with the application for the Construction Certificate and approved prior to any work commencing.
{Reason: Implementation of Dubbo DCP 2013}
- (51) The business identification sign approved with this application shall be maintained in good and substantial repair. The sign shall not flash, be animated or be excessively luminous.
{Reason: Council requirement to maintain structural adequacy and visual amenity and to prevent distraction of passing motorists}
- (52) The proposed landscaping shown on the approved development plan shall be established and maintained to at least the standard specified on the approved development plans. Such landscaping shall be established prior to the issue of the Occupation Certificate.
{Reason: To maintain and improve the aesthetic quality of the development}
- (53) The approved hours of operation for the child care centre component of the development are from 6 am to 7 pm, Monday to Friday (excluding public holidays).
- The approved hours of operation for the training and education component of the development are from 7 am to 6 pm, Monday to Friday (excluding public holidays) and from 8 am to 5 pm on Saturdays.
{Reason: To protect and preserve the amenity of the surrounding locality}
- (54) A separate application for any proposed onsite advertising/signage not approved with this Development Application 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}

CONDITION (55) AMENDED WITH CONSENT D15-310 PART 2 TO READ AS FOLLOWS:

- (55) Prior to the issue of the Occupation Certificate, the contribution by the developer of \$15,089.25 (2.75ET) for water supply headworks contributions, calculated on a per 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.

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 Revenue Policy.

Note 1: Council's adopted 2015/2016 rate is \$5,487.00 per ET. An appropriate credit 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}

- (56) Prior to the issue of the Occupation Certificate, the contribution by the developer of \$8,395.11 (1.53ET) for sewerage services headworks contributions, calculated on a per 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.

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 2015/2016 financial year rate is \$5,487.00 per ET. An appropriate credit 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}

- (57) Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$20,049.90 (53 trips) in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.

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

Note 1: Council's adopted 2015/2016 rate is \$378.30 per commercial trip (including administration fee).

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

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

NOTES:

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed building(s).
- (2) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:
 - A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (3) On completion of the erection of the subject building, 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 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) 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 the 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, with their dedicated email address for such Statements being: afss@fire.nsw.gov.au

- (5) Details of the disabled facilities (including accessways, signage, doorway and corridor widths, doorway luminance contrast, ramps 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 BCA and the Access Code to the *Disability (Access to Premises – Buildings) Standards 2010* (the Premises Standards) as adopted under the Disability Discrimination Act.

In particular, the submitted details must address the applicable upgrading of the existing building which constitute the “affected parts” as defined under the Premises Standards. Reference should be made to the Premises Standards (particularly sections 2.1 and 3.2), the Access Code and AS 1428.1:2009 regarding specific legislative requirements and design parameters.

Note: The Premises Standards and Access Code and the Australian Human Rights Commission’s *‘Guideline on the Application of the Premises Standards’* can be viewed and download from the following website links:

- <http://www.comlaw.gov.au/Details/F2011C00214>
- http://www.humanrights.gov.au/disability_rights/standards/Access_to_premises/Premises%20Standards%20Guideline_Final_2.pdf

- (6) The deemed-to-satisfy provisions of the Building Code of Australia (BCA) require that a continuous accessible path of travel for disabled persons must be provided from the point of pedestrian entry at the development’s allotment boundary at Spears Drive, to the principle pedestrian entrance of the existing building.

If a design for such access cannot be achieved in accordance with the deemed-to-satisfy provisions of the BCA, then compliance with the relevant Performance Requirements of the BCA must be addressed in the Construction certificate application utilising an Alternative Building Solution.

- (7) The following matters were observed with the submitted development plans:
- a. One of the W/C’s within the existing building would have to be disabled accessible to conform to the BCA and Access code Deemed-to-satisfy provisions;
 - b. The area for the W/C’s provided in the existing (renovated building) is shown as 2 m², which does not appear to be sufficient to accommodate a disabled toilet complying with AS 1428.1-2009;
 - c. Table F2.3 of the BCA requires facilities for children to be accessible from both indoor and outdoor play areas. The Play shed building’s children’s W/C is not accessible internally;
 - d. Table F2.3 of the BCA requires facilities for children for each class 9b building for early child centres requires a minimum of 2 children’s toilets. The Play Shed building has only one W/C;
 - e. No adult toilets are provided (or required) in the new child care building; Teachers have to make their way to the existing building to its internal or external W/C;
 - f. The second toilet (with external access) within the existing building would have to be of an Ambulant Accessible design to conform to the BCA and Access code Deemed-to-satisfy provisions;
 - g. The existing building having a mixed classification of class 5 & 9b would be required to provide toilets for employees. Deemed toilet numbers for the adults would seem to comply with BCA provisions if one is a complying disabled toilet, plus an additional ambulant toilet (accessed externally). Accurate occupancy figures would be required to be provided at C/C stage in order to determine adequacy of adult toilet facilities;

h. In an *early childhood centre*, facilities for use by children must have each *sanitary compartment* screened by a partition which, except for the doorway, is opaque for a height of at least 900 mm but not more than 1200 mm above the floor level {F2.5(c) of the BCA}.

- (8) Existing and any proposed Air-handling system is subject to provisions of the BCA Part E2, Table E2.2b as follows:

BCA NSW variation to table E 2.2b

CLASS 9b - ASSEMBLY BUILDINGS

The following provisions apply to all Class 9b *assembly buildings*:

(a) Automatic shutdown:

A building or part of a building used as an *assembly building* must be provided with *automatic* shutdown of any air-handling system (other than non-ducted individual room units with a capacity not more than 1000 l/s and miscellaneous exhaust air systems installed in accordance with Sections 5 and 11 of AS/NZS 1668.1) which does not form part of the smoke hazard management system, on the activation of—

- (i) smoke detectors installed complying with Clause 5 of Specification E2.2a; and
- (ii) any other installed fire detection and alarm system, including a sprinkler system complying with Specification E1.5.

- (9) Insufficient details were provided to Council with the Development Application to fully assess the operation of the proposed child care centre to ascertain the need or otherwise of a potential trade waste discharge. Thus the conveyance of effluent from the proposed development into Council's sewerage system may constitute a trade waste discharge. Should this be the case a Trade Waste application would need to be completed (accompanied with all required drainage, discharge and capacity details, pre-treatment devices and installation details), and submitted to Council.

Before the issue of the building's Construction Certificate the developer (or operator of the proposed business) is to consult with Council's Water Supply and Sewerage Client Services Coordinator to ascertain the need or otherwise for a trade waste discharge. No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval has been obtained and all required pre-treatment devices have been installed and passed by Council.

- (10) 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.

- (11) 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 9:00 am and 5:00 pm, Monday to Friday. Copies are also available from: www.dubbo.nsw.gov.au
- (12) The Development shall be carried out in accordance with Essential Energy's correspondence dated 8 July 2015 (copy attached).

RIGHT OF REVIEW AND APPEAL:

Right of Review: Section 82A 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, within six months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

Note: Pursuant to s82A(4) a Council is not obligated to accede to a request for review.

Right of Appeal: Section 97 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 months after the date on which you receive this Notice.

essential

Ref: D2015-310

08 July 2015

The General Manager
Dubbo City Council
PO Box 81
DUBBO, NSW 2830

Att: Shaun Reynolds

Dear Sir

RE: Development Application D2015-310 Lot 12 DP1190170 16-18 Spears Dr Dubbo

We refer to your enquiry regarding the determination of development applications with respect to the requirements outlined under REG 45 of the Infrastructure SEPP 2007.

The proponent is required to comply with Essential Energy Operational Procedure: Work Near Essential Energy's Underground Assets CEOP8041.

Essential Energy is a member of the Dial Before You Dig Service. It is a condition of the Electricity Supply Act that a person must not commence to carry out excavation work to which the Act applies, or authorise such excavation work to be commenced, unless the person has first:

- (a) contacted the Dial Before You Dig Service and requested information as to the location and type of any underground electricity power lines in the vicinity of the proposed work, and
- (b) complied with any reasonable procedures of the Dial Before You Dig Service as to the manner of contacting the designated information provider and the information to be provided by the person in connection with the person's request for information, and
- (c) has allowed a reasonable period for the requested information to be provided

Failure to observe these requirements may constitute a breach of statutory requirements and lead to a conviction by the court. The court may order the offender to pay Essential Energy the costs, expenses or compensation incurred for the loss or damage so suffered.

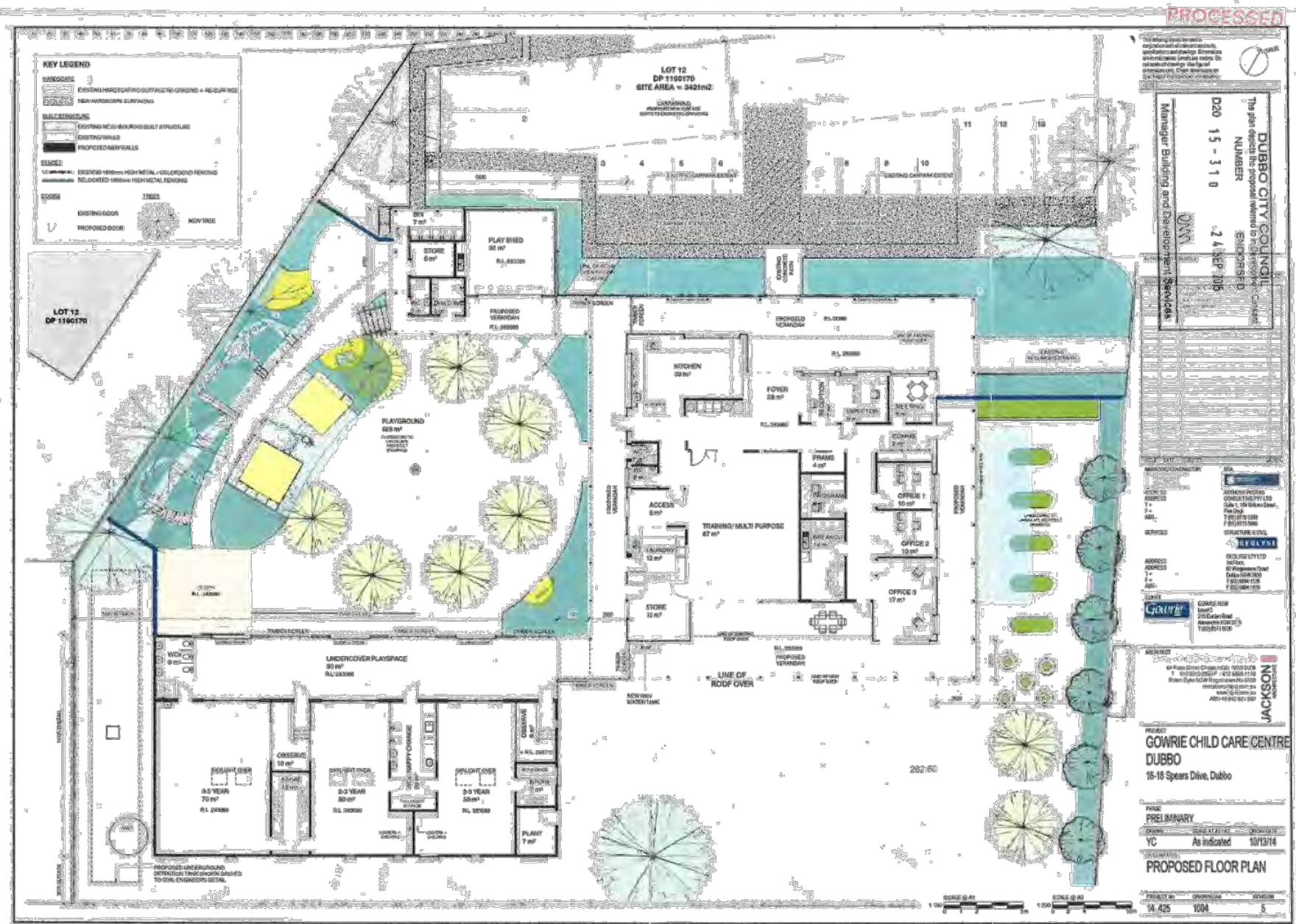
Should you wish to discuss this matter further please do not hesitate to contact Essential Energy.

Yours faithfully



Duncan Towart
Planning & Customer Connection - Dubbo

www.essentialenergy.com.au
ABN 37 428 185 226
Unit 6 Riverview Business Park, 36 Darling Street, DUBBO, NSW 2830
Telephone 02 6883 4580 Facsimile 02 6883 4541



PROCESSED

The plan depicts the proposed addition to the existing building. The Manager Building and Development Services Manager Building and Development Services

DUBBO CITY COUNCIL
 The plan depicts the proposed addition to the existing building.
 NUMBER: D20 15 - 110
 ENDORSED: 21 SEP 2015
 ENDORSED BY: [Signature]

MANAGING CONTRACTOR
 GOWRIE CHILD CARE CENTRE
 16-18 Spears Drive, Dubbo
 NSW 2882
 PH: 02 6882 1116
 WWW.GOWRIECHILD.CARE.NSW.GOV.AU

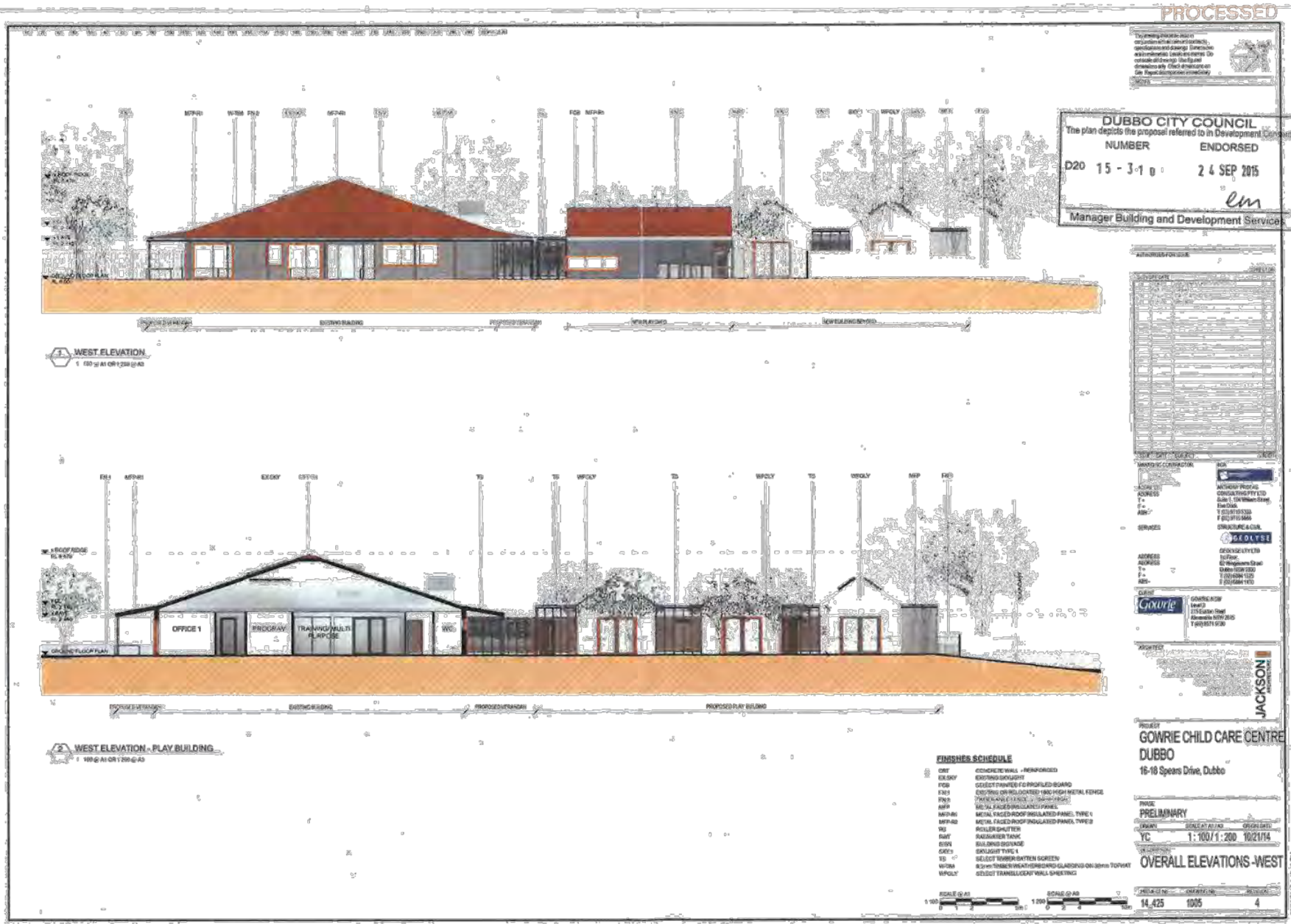
ARCHITECT
 JACKSON ARCHITECTURE
 100/102 SPAIN ST, DUBBO NSW 2882
 PH: 02 6882 1116
 WWW.JACKSONARCHITECTURE.COM.AU

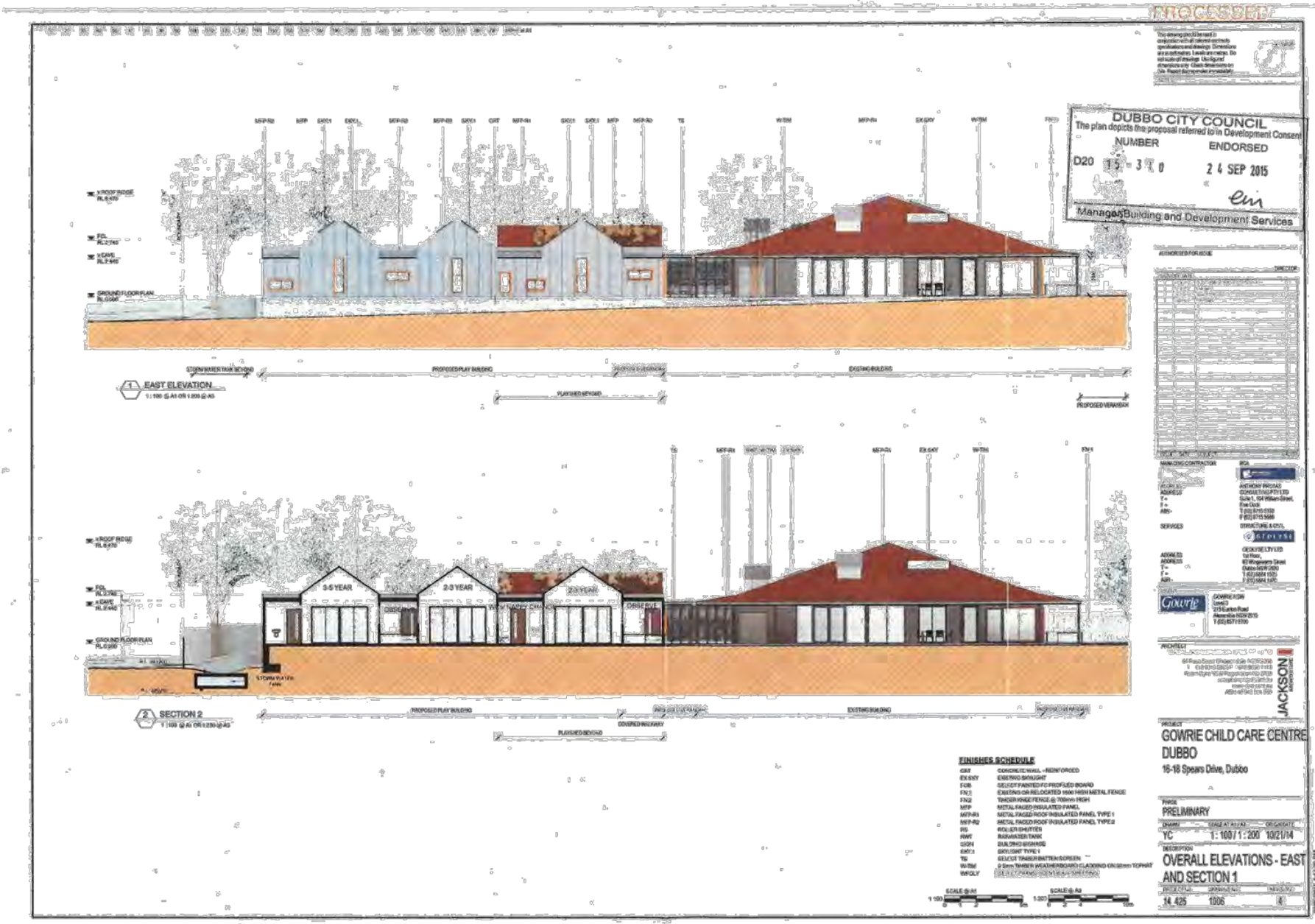
PROJECT
 GOWRIE CHILD CARE CENTRE
 DUBBO
 16-18 Spears Drive, Dubbo

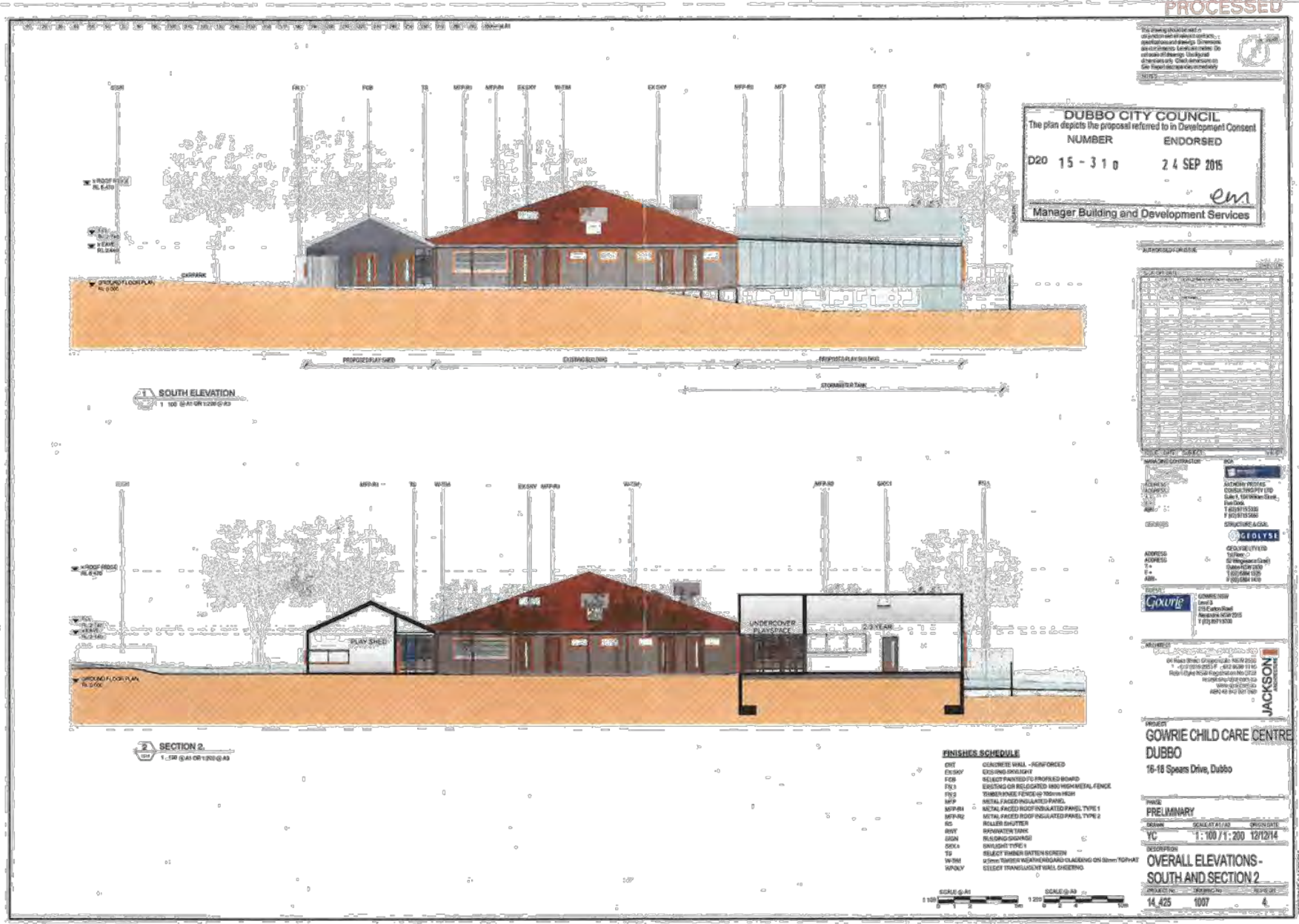
DATE
 PRELIMINARY
 DATE: 10/13/14
 YC: As indicated

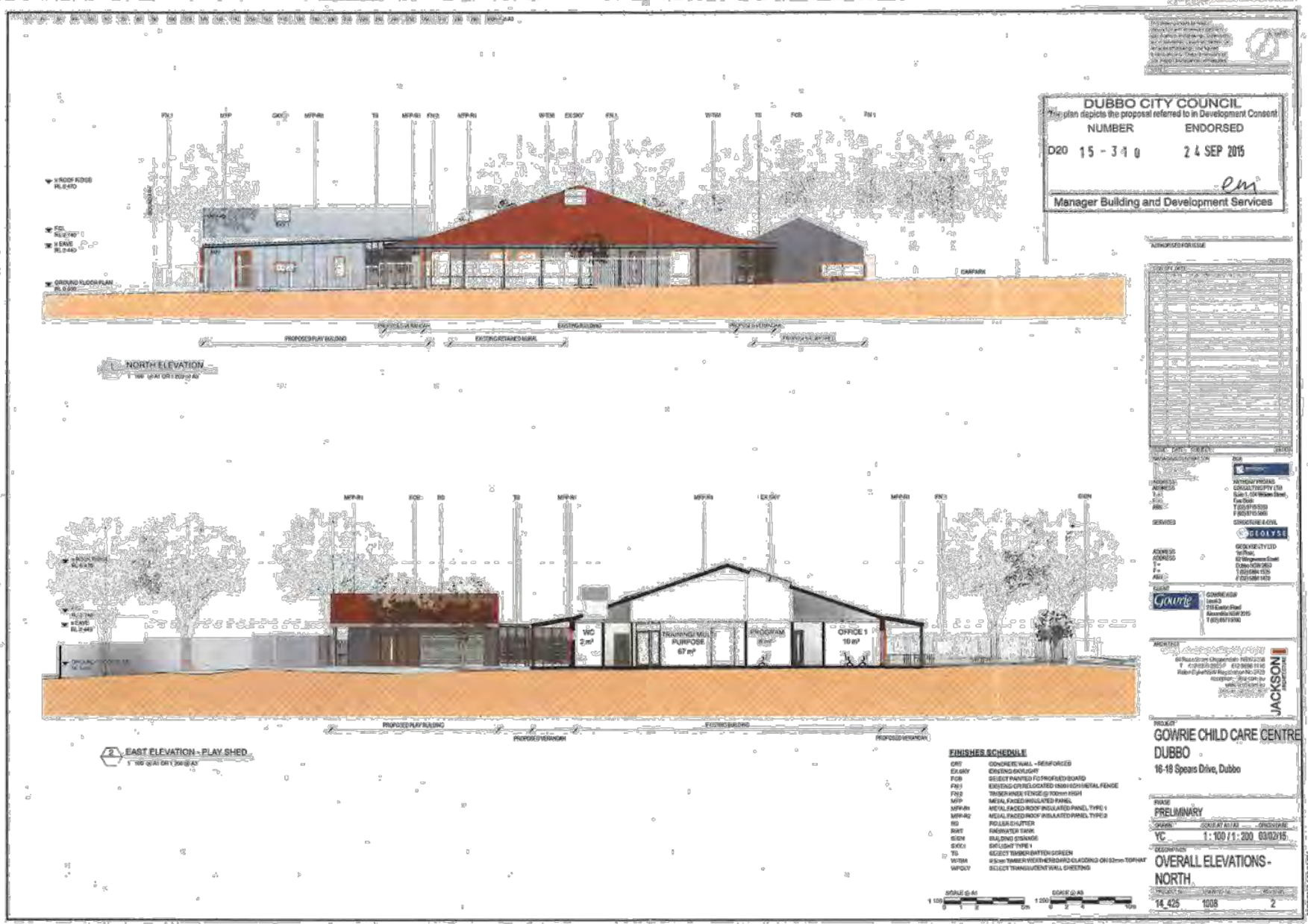
PROPOSED FLOOR PLAN

PROJECT NO: 14-425 DRAWING NO: 1004 REVISION: 5











1st Floor, 62 Wingewarra Street
PO Box 1842
DUBBO NSW 2830

☎ 02 6884 1525
☎ 02 6884 1470

✉ dubbo@geolyse.com
🌐 geolyse.com

Our Ref: 114230_LEO_006_S96 Contributions

22 December 2015

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

Attention: Darryll Quigley

Dear Darryll,

SECTION 96(1A) MODIFICATION APPLICATION – REVIEW OF URBAN ROADS CONTRIBUTION COUNCIL'S REFERENCE D2015-310, 16-18 SPEARS DRIVE, DUBBO

We refer to the above matter and advise that Geolyse Pty Ltd has been commissioned by Gowrie NSW (the Applicant) to prepare a Modification Application in accordance with *Section 96(1A)* of the *Environmental Planning and Assessment Act 1979*. The application is lodged in respect of Development Consent D2015-310 (**Appendix A**) and in particular the deletion of Condition 57 being the Urban Roads headworks contribution payment of \$20,049.90. The land upon which the development is situated is legally described as Lot 12 in DP 1190170 at 16-18 Spears Drive, Dubbo.

We attach the following documents in support of the Modification Application:

- Completed Modification Application form;
- A cheque in favour of Dubbo City Council for \$645.00, being the required application fee, and;
- Development Consent Notice D2015-310 and stamped approved plans;
- Gowrie NSW information

The following provides a statement of support for the proposed modification to the development consent, consideration of the site, relevant legislation and a detailed assessment of the proposal in accordance with *Section 96(1A)* of the *Environmental Planning and Assessment Act 1979*.

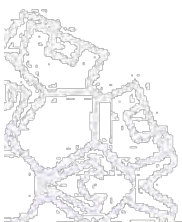
We trust that the information provided is satisfactory for Councils purposes and that you contact our Dubbo office should you require any further information.

1.1 SITE AND LOCALITY

The site is described as Lot 12 in DP 1190170 at 16-18 Spears Drive, Dubbo.

The site has a total area of approximately 3440 m² and is located approximately 1.5 kilometres north west of the Dubbo Central Business District (CBD).

The site comprises an existing single storey unused community centre building (The Gordon Centre) with sealed car parking area. The site has a fall from the intersection of Brennan Avenue and Spears Drive to the south eastern corner of the lot. A detention basin with inlet pit is located in the south eastern





corner of the lot and drains via easements across adjoining land to the south east where it then enters Councils drainage system.

A historical aerial view of the site is provided within Plate 1 below. Brennan Avenue has since been constructed with kerb and driveway crossover and the bus stop located at the entrance to the carpark in Spears Drive has been relocated to the south, away from the intersection of Spears Drive and Brennan Avenue.



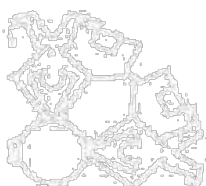
Plate 1: Aerial view of site (source: <http://maps.six.nsw.gov.au>)

1.1 GOWRIE NSW AND SITE DEVELOPMENT HISTORY

Gowrie NSW is a not for profit organisation (refer **Appendix B**) that provides professional development and consultancy services to the early childhood and middle childhood sector, information and referral services for families and early childhood professionals, and consultancy services to corporate organisations to help them meet the child care needs of their employees.

Gowrie NSW receives federal funding to deliver a number of programs through the Inclusion Professional Support Unit including the Inclusion Support Agency (ISA), an Indigenous Professional Support Unit (IPSU). Gowrie NSW also receives federal funding to provide care for the children of those enrolled in the Adult Migrant English Program.

Recognising the importance of supporting the whole family, Gowrie NSW runs a parent series to engage, inspire and inform parents, presents on early childhood to parents in corporations and is funded through the State government to run the Child and Family Information Line.





Gowrie is a knowledge leader in the early and middle childcare sector, which is established through detailed research as a basis for the development of all their programs.

As detailed above site was previously used as a community centre building (The Gordon Centre) with large sealed car parking area. The building is constructed with indoor and outdoor congregation areas and rooms, large kitchen, male and female toilets and outdoor paved barbeque area. The building has always been serviced with a bus stop within Spears Drive. These elements are considered to confirm the known community use of the site and its ability to accommodate large numbers of people congregation on site at any one time.

Development Application D2015-310 – Childcare Centre was granted by Council on the 24th September 2015. The development would generally result in alterations to the existing building and additions to create a new three (3) new childcare rooms with observation rooms for tertiary childcare students to observe early childcare teaching as detailed upon stamped approved plan numbered 1004 Revision 5 as shown in Appendix A and Plate 2 below:

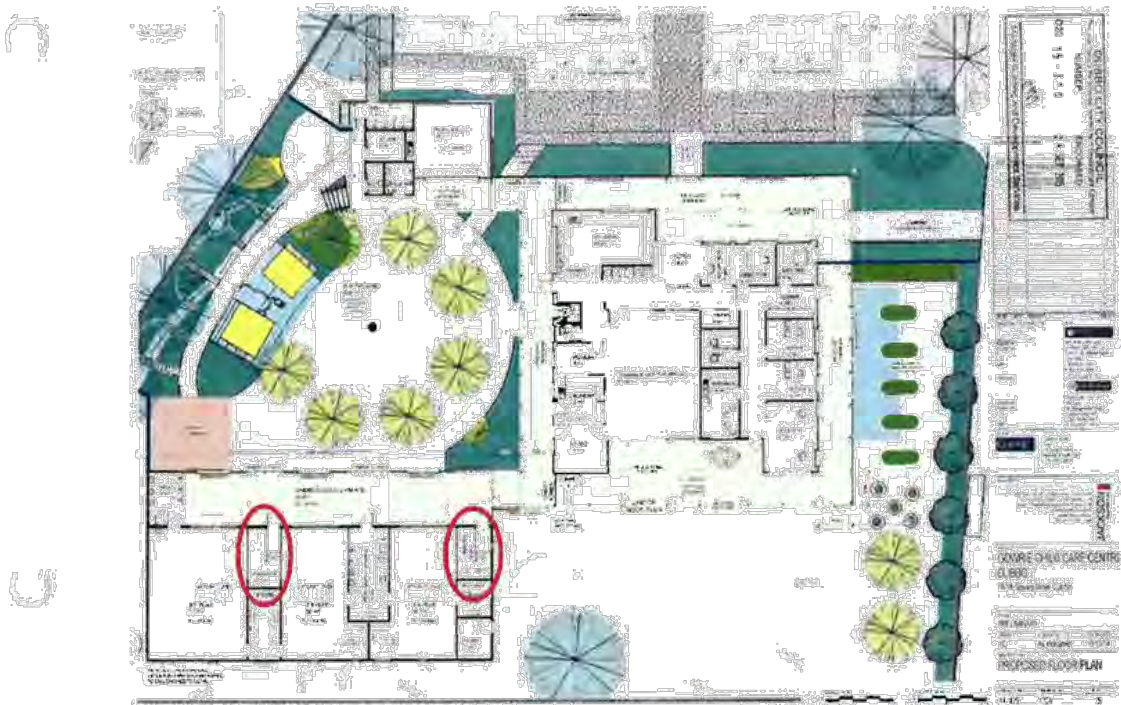
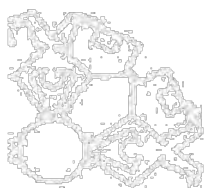


Plate 2: Observation rooms shown circled red (source Appendix A D2015-310 stamped plans)

Among others, condition 57 was applied to the development consent requiring the payment of **\$20,049.90** in S94 Urban Roads Headworks Contributions this was calculated based off an additional trip rate of **53 trips** at a rate of \$378.30 per trip in accordance with (2015/16 financial year rate).

Condition 57 is worded as follows:

57. *Prior to the issue of the Occupation Certificate, the contribution by the developer of Urban Roads Headworks Contributions of \$20,049.90 (53 trips) in accordance with Councils adopted Section*





94 Contributions Plan – Roads, Traffic Management and Car Parking Amendment No.1 adopted 25 February 2008.

Such a contribution 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 Councils Annual Revenue Policy.

Note 1: Councils adopted rate 2015/2016 financial year rate is \$378.30 per commercial trip (including administration fee).

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

As detailed within the submitted Development Applications Statement of Environmental Effects it is considered that the generated trips should be calculated as follows:

"In accordance with Dubbo City Council's Section 94 Contribution Plan for Roads, Traffic Management, and Car Parking, development for the purposes of a 'child care centre' generates a total of 3.7 vehicle trips per child enrolment.

It is unclear what the trip generation rate was for the previous use of the site as no historical data exists. However, it is understood that the site and building previously operated as a community facility where people could meet in a central location throughout the day for education, discussions and events.

The facility was originally provided with a sealed carpark for 24 cars and comprised a building with a large kitchen, office areas and large rooms for congregation. The carpark was reconstructed when Brennan Avenue was created along the site's western frontage as part of the West Dubbo Transformation Project carried out by the then Department of Commerce in 2010. The reconstruction of the carpark reduced its capacity to approximately 8 spaces.

The closest like use of the existing Gordon Centre building and within Table 4.1 of Council's Contribution Plan would be that identified as a licensed club which has a daily trip generation rate of 100 trips per 100 GFA.

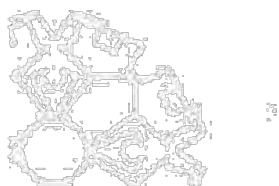
The existing buildings GFA has been calculated as 470m² per the demolition plan (included in Appendix B)

Whilst it is acknowledged that the previous use of the site did not include a licensed facility, based on the above like use rate, the site had the potential to generate in the order of 470 trips.

It is also understood from community discussions that the site did not operate at capacity nor was always open for use every day and in this regard the centre possibly operated at approximately 30% capacity.

On this basis, it is considered reasonable to apply a daily trip rate of 141 trips for the existing usage on the site (30% of 470 trips).

As provided by the applicant, it is expected that the maximum enrolment at the child care centre would be 50 children. Applying Council trip generation rate of 3.7 trips per child enrolment, the total number of trips generated by the child care centre would be 185 trips per day.





The previous use of the site as a community facility generated approximately 141 vehicle trips per day. Given Council does not specify such development within the s94 plan and the previous development on site predates council's s94 plan, the existing site has a credit of 141 trips and the proposed overall additional impact of the development of the childcare centre would be an additional 44 trips.

The estimated 185 daily vehicle trips generated by the child care centre would be dispersed throughout the opening hours of the facility (7am to 6pm) and would be dependent upon the required hours of child minding per parent."

As detailed above it was considered that the proposed childcare centre would generate an additional impact of **44 trips** beyond that already accounted for in accordance with the provisions of the S94 Urban Roads Contributions Plan. 44 trips at a rate of \$378.30 per trip would result in a contribution rate of **\$16,645.20**.



1.2 PROPOSAL

The subject proposal is for the deletion of Condition (57) from Development Consent D20145-310 as the approved use does not generate an additional 53 trips but rather 44 trips and the use is considered to result in a material public benefit in accordance with clause 3.6 of the Contributions Plan as the development provides for:

- additional onsite learning facilities for tertiary early childhood students; and
- the applicant is a registered not for profit organisation being an organisation that does not operate for the profit, personal gain or other benefit of particular people but rather for the benefit of those it serves i.e. the future children and tertiary childcare students of Dubbo and the greater region.

As detailed above we respectfully request that the proposed use be considered to generate an lesser rate of 44 trips as detailed within the original Statement of Environmental Effects submitted to Council for the purpose of calculating the trip generation rate of the development in accordance with the Contributions Plan and that additional consideration be given to waiver the generated contribution as the facility results in a material public benefit to the community and region.



1.3 ASSESSMENT

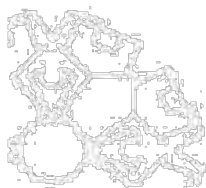
1.3.1 SECTION 96 (1A)

The applicant lodges this modification Application under *Section 96(1A)* of the *Environmental Planning and Assessment Act 1979 (EP & A Act)*, which requires:

(1A) Modifications involving minimal environmental impact

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

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*





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

Subsections (1), (2) and (5) do not apply to such a modification.

Having regard to the above consideration matters under *Section 96(1A)* of the *EP& A Act* the proposed deletion of condition 57 is considered to be of minimal environmental impact and substantially the same development for which the consent was granted. Such an application is not considered to require notification under the Regulations or the Dubbo Development Control Plan and therefore no submissions would be made requiring consideration as the case may be.

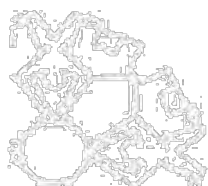
1.3.2 S94 CONTRIBUTIONS PLAN – ROADS, TRAFFIC MANAGEMENT & CAR PARKING

Clause 3.6 of the plan is described as *'Flexibility in Imposition of Contributions'* and is provided to allow for contributions to be imposed in response to the particular circumstances of a development, where a variation may be justified. The application seeks the deletion of condition 57 for the payment of S94 urban roads headworks contributions. This request is based on the following justification: -

- The development generates a lower daily quantum of traffic than that applied to the development, namely 44 trips rather than 53 trips; and
- The use is considered to result in a material public benefit as it provides for:
 - additional onsite learning facilities for tertiary early childhood students; and
 - the applicant is a registered not for profit organisation being an organisation that does not operate for the profit, personal gain or other benefit of particular people but rather for the benefit of those it serves i.e. the future children and tertiary childcare students of Dubbo and the greater region.

Section 3.6 of this Plan explains that the particular land uses and traditional forms of development, consistent with a wide range of urban forms, have been assumed. In this case, not all situations can be predicted and Council may receive applications which do not fit within the assumptions. In these circumstances, Council may adjust or waiver the applied Section 94 Contributions. The plan identifies the following examples of circumstances where this may be applicable being, 3.6(b) & (c), which stipulates:

'Where a material public benefit has been obtained by council in lieu of a monetary contribution for the purposes outlined in (a) above; or'





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

In this regard the development is considered to qualify for 'Flexibility in the Imposition of Conditions' in accordance with clause 3.6 of this plan as the reasons sought for flexibility are generally consistent with the examples of the plan.

1.4 IMPACTS

1.4.1 ACCESS, TRANSPORT & TRAFFIC

The proposed Section 96(1A) application would feature no material change from that approved on the site or surrounding area, thus having no alteration or impact on existing roadways, service and infrastructure connections to the site and in the locality.

1.4.2 SECTION 94 DEVELOPER CONTRIBUTIONS

The proposed section 94 contributions have been incorrectly applied to childcare use of the site and without consideration to the material public benefit of the proposed use to the community and region. In this regard the deletion of condition 57 of D2015-310 requiring the payment of S94 developer contributions sought.

1.4.3 CUMULATIVE IMPACT

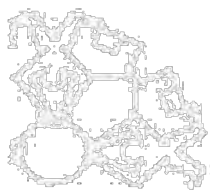
The subject site would continue to operate as approved by Dubbo City Council, and as currently managed on-site which would not have an adverse impact upon peoples' way of life, their culture or their community. The deletion of Condition (57) would feature no material change to the site or surrounding area, and would have no significant adverse effect.

1.5 CONCLUSION

The S96(1A) application is lodged in respect of Development Consent D2015-310 and in particular the deletion of Condition 57 being the Urban Roads headworks contribution.

Clause 3.6 of the plan is described as 'Flexibility in Imposition of Contributions' and is provided to allow for contributions to be imposed in response to the particular circumstances of a development, where a variation may be justified. The application seeks the deletion of condition 57 for the payment of S94 urban roads headworks contributions. The request is based on the following justification: -

- ☒ The development generates a lower daily quantum of traffic than that applied to the development, namely 44 trips rather than 53 trips; and
- ☒ The use is considered to result in a material public benefit as it provides for:
 - additional onsite learning facilities for tertiary early childhood students; and
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benefit of those it serves i.e. the future children and tertiary childcare students of Dubbo and the greater region.

Section 3.6 of this Plan explains that the particular land uses and traditional forms of development, consistent with a wide range of urban forms, have been assumed. In this case, not all situations can be predicted and Council may receive applications which do not fit within the assumptions. In these circumstances, Council may adjust or waive the applied Section 94 Contributions. The plan identifies the following examples of circumstances where this may be applicable being, 3.6(b) & (c), which stipulates:

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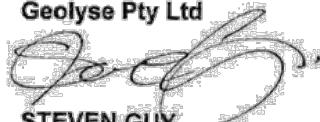
Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan'.

In this regard the development is considered to qualify for 'Flexibility in the Imposition of Conditions' in accordance with clause 3.6 of this plan as the reasons sought for flexibility are generally consistent with the examples of the plan.

The approved use and resultant traffic are considered to be materially outweighed by the 'material public benefit the use of the site would provide and therefore no unreasonable significant adverse impacts are anticipated to result from the development.

In this regard the deletion of condition 57 of D2015-310 requiring the payment of S94 developer contributions is sought.

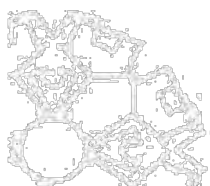
Yours faithfully
Geolyse Pty Ltd



STEVEN GUY
Senior Town Planner

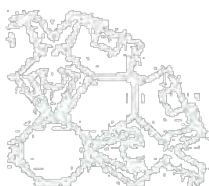
No. of Attachments – 2

- 1.0 Appendix A - Development Consent Notice D2015-310 & stamped approved plans;
- 2.0 Appendix B - Gowrie NSW information,





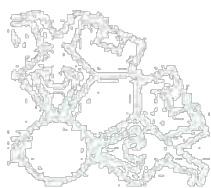
Appendix A
DEVELOPMENT CONSENT NOTICE
D2015-310 & STAMPED APPROVED
PLANS





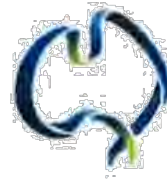
Appendix B

GOWRIE NSW INFORMATION





Australian Government



Australian
Charities and
Not-for-profits
Commission

1- 006156 011



Ms Ruth Callaghan
Gowrie NSW
Po Box 6385
ALEXANDRIA NSW 2015

29 January 2013

Your charity's registration with the Australian Charities and Not-for-profits Commission

Dear Ms Callaghan

We are writing to welcome you to the Australian Charities and Not-for-profits Commission (ACNC), the new independent Commonwealth regulator for Australian charities. You are one of the 56,000 charities that have been transferred across from the Australian Taxation Office (ATO) to the ACNC. This means that your charity has automatically been registered with the ACNC because it was previously endorsed by the ATO as a charity.

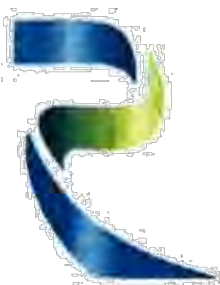
The ACNC is writing to all transferring charities but our mailout is spread over several weeks to try and avoid lengthy waits on the phone when calling our Advice Services team. As part of the mailout, we are also inviting you to provide us with information that will allow us to populate the public ACNC Register and to ensure that we have correct and accurate information on your charity via the ACNC website, www.acnc.gov.au.

The ACNC takes seriously our commitment to meeting our objective of reducing red tape for charities. We have worked on ensuring the enclosed **Confirm your charity details form** is comprehensive enough to mean that we can gather your information in one interaction to allow you to continue your valuable work of supporting others in the community. Use of this form is voluntary but may save you having to notify us of information by other means over time.

Equally we are committed to promoting public trust and confidence in charities through enhanced access to accurate and up-to-date information on charities through the ACNC Register. It is for this reason that we encourage you to provide us with as much information as you can.

For charities that are part of a larger network, you can provide the details for multiple charities on one form. If you would like to do this, please email advice@acnc.gov.au or call 13 ACNC (13 22 62) to discuss.

159625_01E1NB



GPO Box 5108 Melbourne VIC 3001
Tel 13 ACNC Fax 1300 232 569
acnc.gov.au

159625_Letter/006156/006156612

As you complete the **Confirm your charity details form** please refer to the enclosed **Information for charities transferred from the ATO to the ACNC fact sheet** for further information and guidance. If you need any assistance please do not hesitate to contact us via email at advice@acnc.gov.au or by phone on weekdays between 8.00 am to 8.00 pm AEST on 13 ACNC (13 22 62).

For charities whose purpose is the advancement of religion it is important that you notify the ACNC of this fact. There is a question (Section A, question 4) for you to answer in the **Confirm your charity details form**. With this information, the ACNC can then ensure that the special provisions of the *Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012* are applied and, the ATO is provided with accurate information so you will continue to have access to the relevant and appropriate tax concessions. Please note that this question does not determine your status as a basic religious charity. Please visit www.acnc.gov.au for further information.

This letter has been sent to your primary contact address. If this is not the contact address you want the ACNC to use for all communication with your organisation, or you would like us to use an email address, you will need to visit www.acnc.gov.au/forms and complete and send us the **Notification of change of charity details form**.

Please send completed forms to us by email at advice@acnc.gov.au by fax or by post within two months from receipt of this letter. The ACNC will ensure that your details are updated on the ACNC Register as soon as possible. Our postal address is GPO Box 5108, Melbourne, Victoria 3001, and our fax number is 1300 232 569.

In closing, I would remind you that registration with the ACNC enables your charity to continue to access Commonwealth concessions, benefits and exemptions as well as being listed on the public ACNC Register.

We look forward to working with you and your charity.

Kind regards,



Susan Pascoe AM
ACNC Commissioner

PO Box 3373, Albury NSW 2640

Erica

LADY GOWRIE CHILD CENTRE
 (LADY GOWRIE CHILD CENTRE COMMITTEE)
 ELLIOTT AVE
 ERSKINEVILLE NSW 2043



Australian Government
 Australian Taxation Office

Client enquiries
 Telephone: 1300 130 248

3 July 2009

RECEIVED
 6 JUL 2009

Dear Organisation Manager

Notification of endorsement for charity tax concessions
 For your information

Enclosed is your organisation's *Notice of endorsement for charity tax concessions*.

Please note the following points.

- Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au
- Your organisation's endorsement is based on the information it has supplied. Your organisation is required by law to notify the Tax Office in writing if its circumstances change and it ceases to be entitled to endorsement.
- The tax laws do not require any particular intervals between self-reviews, but we recommend a yearly review. Your organisation should also carry out a review if there are major changes to its structure or operations.

A charity can self assess its entitlement to fringe benefits tax and GST charity tax concessions up to 1 July 2005. After this date, your charity will only be eligible to access charity tax concessions available under these laws if it has been endorsed.

For more information

We have a range of publications and services for non-profit organisations. Copies of the *Income tax guide for non-profit organisations* (NAT 7967) and other publications are available on the non-profit area of our website at www.ato.gov.au/nonprofit or by phoning us on 1300 130 248 between 8.00am and 6.00pm, Monday to Friday.

To keep up to date on key tax issues affecting the non-profit sector subscribe to receive our free electronic news service by using the subscribe link on our homepage at www.ato.gov.au

If your organisation has also applied for other endorsements you will receive separate notification.

Yours faithfully

Michael D'Ascenzo

Michael D'Ascenzo
 Commissioner of Taxation and
 Registrar of the Australian Business Register

CHARITY_ADVICES_404-TED-0000111-000021



Australian Government
Australian Taxation Office

3 July 2009

Notice of endorsement for charity tax concessions

This endorsement notice has been issued to:


Name	LADY GOWRIE CHILD CENTRE
Australian business number	57 001 894 659

LADY GOWRIE CHILD CENTRE, a charitable institution, is endorsed to access the following tax concessions from the dates shown:

- Income tax exemption from 1 July 2005 under Subdivision 50-B of the *Income Tax Assessment Act 1997*.
- GST concessions from 1 July 2005 under Division 176 of *A New Tax System (Goods and Services Tax) Act 1999*.
- FBT rebate from 1 July 2005 under section 123E of the *Fringe Benefits Tax Assessment Act 1986*.

Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au

Your organisation must notify the Tax Office in writing if it ceases to be entitled to endorsement.


Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register



1st Floor, 62 Wingewarra Street
PO Box 1842
DUBBO NSW 2830

☎ 02 6884 1525
☎ 02 6884 1470

✉ dubbo@geolyse.com
🌐 geolyse.com

Our Ref: 114230_LEO_012_Request to proceed to Council for determination

11 April 2016

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

Attention: Shaun Reynolds

Dear Shaun,

SECTION 96(1A) MODIFICATION APPLICATION – DELETION OF CONDITION 57 URBAN ROADS CONTRIBUTION COUNCIL'S REFERENCE D2015-310, 16-18 SPEARS DRIVE, DUBBO

In response to Council's letter dated 15 February 2016 our client Gowrie NSW has requested that the application be presented to the full Council for determination on the basis it seeks to have condition 57 deleted, being;

Development Application D2015-310 – Childcare Centre was granted by Council on the 24th September 2015. The development would generally result in alterations to the existing building and additions to create a new three (3) new childcare rooms with observation rooms for tertiary childcare students to observe early childcare teaching as detailed upon stamped approved plan numbered 1004 Revision 5 as shown in Appendix A and Plate 1 below:

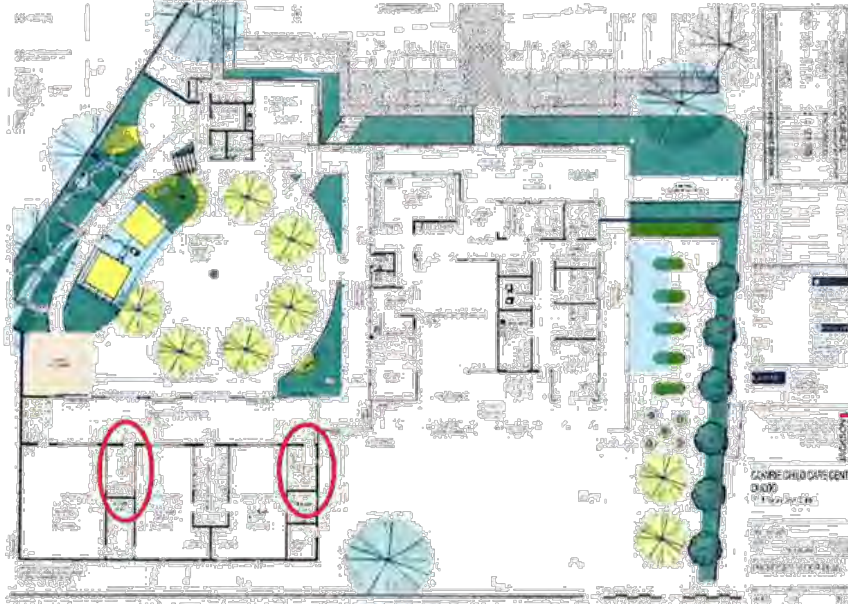
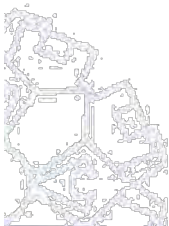


Plate 1: Observation rooms shown circled red (source Appendix A D2015-310 stamped plans)





As detailed upon the approved plans Gowrie NSW are committed to providing a quality childcare facility.

Gowrie NSW seeks deletion of condition 57 pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979* and Section 3.6 – *Flexibility in Imposition of Contributions* within the *Amended S94 Contributions Plan – Roads, Traffic Management and Car Parking (Policy)*. Condition 57 imposes a headworks contribution of \$20,049.00

Clause 3.6 of the Policy allows for contributions to be imposed in response to the particular circumstances of a development, where a variation may be justified. The request is based on the following justification:

- 1 Childcare development does not generate demand for public amenities or services as imposed by the trip rates set out in the plan; and
- 2 The development will provide a material public benefit to the local area / Rosewood Grove Estate, the City of Dubbo and the Orana Region.

Traffic Generation

The Policy identifies that a contribution is imposed on a development according to the demand generated by each of the proposed uses and within case imposes a daily trip rate of 3.7 daily trips per enrolment. The Policy also identifies that *“with respect to road upgrading, it is recognised that there will be dual purpose trips between residential properties and retail, commercial and industrial development.”*

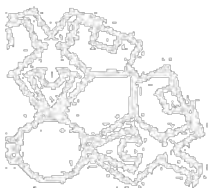
Needless, to say this development is located within the centre of the established and developing Rosewood Grove Estate and has a ready-made residential catchment to draw from in the form of young families who live within the Estate and require childcare facilities to support their families whilst they work or attend education.

It is reasonable to assume that the vast majority of those people who utilise childcare work or attend some form of tertiary education and would select their childcare facility close to home or on route to work or school due to its convenient location and that this would constitute a ‘typical’ daily trip route for them.

It is also reasonable to argue that this movement accommodates the majority of enrolments as people require care to free their time for work and education commitments due to financial commitments in supporting a family and servicing a mortgage.

It is well known that childcare centres operate for extended hours for ‘shoulder’ times after standard hours of employment and education services. Typically, and in the case of the proposed development, the childcare centre will operate between the hours of 8 am and 6 pm to allow parents to drop their child/children off on the way to work and collect them on their way home in the evening.

Childcare centres are permissible with the residential, commercial and light industrial land use zones of the *Dubbo Local Environmental Plan 2011* (Dubbo LEP) this approach is one which is somewhat directed by the *Standard Instrument – Principle Local Environmental Plan* (LEP Template) which guided the formation of the Dubbo LEP. The fact that childcare centres are permissible within these zones of the Dubbo LEP is not only a reflection of what is required locally but what is needed across the state of NSW, being that their use needs to be located in a convenient location close to home or work for busy families in a modern society where predominantly both parents go to work.





Although we are unable at this stage to provide quantifiable data to the above effect, the context of the knowledge is important in the support of the case *that the development does not generate demand for public amenities or services* (i.e. it does not generate a significant number of independent vehicular trips) and that a nullified quantum of trip generation should have been used to calculate the developments headworks contributions and no such contribution imposed upon the development.

Material Public Benefit

The use is considered to result in a material public benefit in accordance with clause 3.6 of the Contributions Plan as the development:

- Provides for the reactivation of the unused Gordon Community Centre building by young people and their families;
- Provides additional onsite learning facilities (Training Room) for early childhood educators to participate in professional learning. This will be available for other not for profit training providers outside of Gowrie NSW as well;

and

- Monies received from the operation of the facility are re-invested into the community it serves i.e. the children and tertiary childcare students of Dubbo and the Orana region, noting that the Applicant is a registered not for profit organisation in Australia which is defined under law as *being an organisation that does not operate for the profit, personal gain or other benefit of particular people but rather for the benefit of those it serves.*

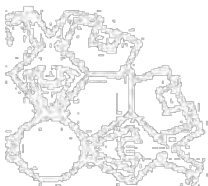
Having regard to the above, the Applicant would like to affirm that Section 3.6 of Policy states:

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

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

- (a) *Where previous contributions have been paid on a particular property towards the planning need for which the contribution is to be levied and where it can be demonstrated that this can be attributed to the current development (ie that the demand for which the previous contribution was levied has not been realised and will be superseded by the current development application); or*
- (b) *Where a material public benefit has been obtained by council in lieu of a monetary contribution for the purposes outlined in (a) above; or*
- (c) *Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan.*

It is noted that the Policy does not define 'Material Public Benefit' and that Council may consider adjustment or waiver of Section 94 Contributions as they apply to individual applications. The subject proposal would provide a 'Material Public Benefit' by way of those listed above, albeit non-physical but improving the social wellbeing of the Estate, Dubbo and Orana Region.





In this regard the development is considered to qualify for 'Flexibility in the Imposition of Conditions' in accordance with clause 3.6 of this plan as the reasons sought for flexibility are generally consistent with the examples of the plan.

Confirmation that Gowrie NSW ensures monies collected for childcare services are reinvested in the community is provided by their legal status as a not for profit organisation.

Gowrie NSW is a not for profit organisation (refer **Appendix B**) that provides professional development and consultancy services to the early childhood and middle childhood sector, information and referral services for families and early childhood professionals, and consultancy services to corporate organisations to help them meet the child care needs of their employees.

Gowrie NSW receives federal funding to deliver a number of programs through the Inclusion Professional Support Unit including the Inclusion Support Agency (ISA) (based in Dubbo), an Indigenous Professional Support Unit (IPSU). Gowrie NSW also receives federal funding to provide care for the children of those adults enrolled in the Adult Migrant English Program.

Recognising the importance of supporting the whole family, Gowrie NSW runs a parent series to engage, inspire and inform parents, presents education on early childhood to parents in corporations and is funded through the State Government to run the Child and Family Information Line. These parent information sessions would be provided to families in the Dubbo region.

As a larger organisation Gowrie is a recognised knowledge leader in the early and middle childcare sector, which is established through detailed research as a basis for the development of all their programs.

As detailed within the Development Application and subsequent Section 96(1A) Modification Application Gowrie NSW selected this site because it was previously known and used as a community centre building (The Gordon Centre). The building is constructed with indoor and outdoor congregation areas and rooms, large kitchen, male and female toilets and outdoor paved barbeque area. The building has always been serviced with a bus stop on Spears Drive. These elements are considered to reinforce the known community use of the site.

The approved use and resultant traffic are considered to be materially outweighed by the 'material public benefit' the operation and use of the site would provide and therefore no unreasonable significant adverse impacts are anticipated to result from the development.

In this regard the application requests the deletion of condition 57 of D2015-310 requiring the payment of S94 developer contributions.

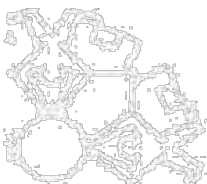
Yours faithfully
Geolyse Pty Ltd



STEVEN GUY
Senior Town Planner

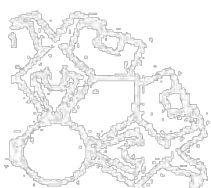
No. of Attachments – 2

1.0 Appendix A - Development Consent Notice D2015-310 & stamped approved plans;





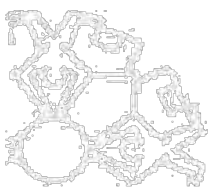
2.0 Appendix B - Gowrie NSW information





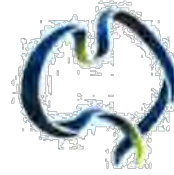
Appendix B

GOWRIE NSW INFORMATION





Australian Government



Australian
Charities and
Not-for-profits
Commission

1- 006156 011



Ms Ruth Callaghan
Gowrie NSW
Po Box 6385
ALEXANDRIA NSW 2015

29 January 2013

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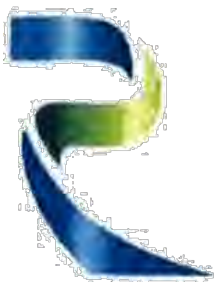
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Equally we are committed to promoting public trust and confidence in charities through enhanced access to accurate and up-to-date information on charities through the ACNC Register. It is for this reason that we encourage you to provide us with as much information as you can.

For charities that are part of a larger network, you can provide the details for multiple charities on one form. If you would like to do this, please email advice@acnc.gov.au or call 13 ACNC (13 22 62) to discuss.

159625_01E1NB



GPO Box 5108 Melbourne VIC 3001
Tel 13 ACNC Fax 1300 232 569
acnc.gov.au

159625_Letter/000156/006156/12

As you complete the **Confirm your charity details form** please refer to the enclosed **Information for charities transferred from the ATO to the ACNC** fact sheet for further information and guidance. If you need any assistance please do not hesitate to contact us via email at advice@acnc.gov.au or by phone on weekdays between 8.00 am to 8.00 pm AEST on 13 ACNC (13 22 62).

For charities whose purpose is the advancement of religion it is important that you notify the ACNC of this fact. There is a question (Section A, question 4) for you to answer in the **Confirm your charity details form**. With this information, the ACNC can then ensure that the special provisions of *the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012* are applied and, the ATO is provided with accurate information so you will continue to have access to the relevant and appropriate tax concessions. Please note that this question does not determine your status as a basic religious charity. Please visit www.acnc.gov.au for further information.

This letter has been sent to your primary contact address. If this is not the contact address you want the ACNC to use for all communication with your organisation, or you would like us to use an email address, you will need to visit www.acnc.gov.au/forms and complete and send us the **Notification of change of charity details form**.

Please send completed forms to us by email at advice@acnc.gov.au by fax or by post within two months from receipt of this letter. The ACNC will ensure that your details are updated on the ACNC Register as soon as possible. Our postal address is GPO Box 5108, Melbourne, Victoria 3001, and our fax number is 1300 232 569.

In closing, I would remind you that registration with the ACNC enables your charity to continue to access Commonwealth concessions, benefits and exemptions as well as being listed on the public ACNC Register.

We look forward to working with you and your charity.

Kind regards,



Susan Pascoe AM
ACNC Commissioner

PO Box 3373, Albury NSW 2640

Erica

LADY GOWRIE CHILD CENTRE
(LADY GOWRIE CHILD CENTRE COMMITTEE)
ELLIOTT AVE
ERSKINEVILLE NSW 2043



Australian Government
Australian Taxation Office

Client enquiries
Telephone: 1300 130 248

3 July 2009

RECEIVED
6 JUL 2009

Dear Organisation Manager

**Notification of endorsement for charity tax concessions
For your information**

Enclosed is your organisation's *Notice of endorsement for charity tax concessions*.

Please note the following points.

- Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au
- Your organisation's endorsement is based on the information it has supplied. Your organisation is required by law to notify the Tax Office in writing if its circumstances change and it ceases to be entitled to endorsement.
- The tax laws do not require any particular intervals between self-reviews, but we recommend a yearly review. Your organisation should also carry out a review if there are major changes to its structure or operations.

A charity can self assess its entitlement to fringe benefits tax and GST charity tax concessions up to 1 July 2005. After this date, your charity will only be eligible to access charity tax concessions available under these laws if it has been endorsed.

For more information

We have a range of publications and services for non-profit organisations. Copies of the *Income tax guide for non-profit organisations (NAT 7967)* and other publications are available on the non-profit area of our website at www.ato.gov.au/nonprofit or by phoning us on 1300 130 248 between 8.00am and 6.00pm, Monday to Friday.

To keep up to date on key tax issues affecting the non-profit sector subscribe to receive our free electronic news service by using the subscribe link on our homepage at www.ato.gov.au

If your organisation has also applied for other endorsements you will receive separate notification.

Yours faithfully

Michael D'Ascenzo

Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register

CHARITY_ADVICES_404-TEQ-0000111-0000221



Australian Government
Australian Taxation Office

3 July 2009

Notice of endorsement for charity tax concessions

This endorsement notice has been issued to:


Name	LADY GOWRIE CHILD CENTRE
Australian business number	57 001 894 659

LADY GOWRIE CHILD CENTRE, a charitable institution, is endorsed to access the following tax concessions from the dates shown:

- Income tax exemption from 1 July 2005 under Subdivision 50-B of the *Income Tax Assessment Act 1997*.
- GST concessions from 1 July 2005 under Division 176 of *A New Tax System (Goods and Services Tax) Act 1999*.
- FBT rebate from 1 July 2005 under section 123E of the *Fringe Benefits Tax Assessment Act 1986*.

Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au

Your organisation must notify the Tax Office in writing if it ceases to be entitled to endorsement.


Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register

**SUBJECT: Modified Development Application – Child Care Centre
Premises: Lot 12 DP 1190170, 16-18 Spears Drive, Dubbo
Applicant: Gowrie NSW**

**TO: Responsible Officer – Shaun Reynolds
FROM: Development Engineer
DATE: 10 February 2016
FILE: D2015-310 Part 2**

SUMMARY OF RELEVANT DEVELOPMENT ENGINEERING ISSUES

In respect to the above modified Development Application I wish to comment as follows.

The subject land is located on the south eastern scorners of the intersection of Spears Drive and Brennan Avenue, West Dubbo, approximately 1.5km north west of the Dubbo Central Business District (CBD). The property is legally known as Lot 12 DP 1190170 and located within R2- Low Density Residential in accordance with Dubbo Local Environmental Plan 2011.

The site comprises an existing single storey unused community centre building with sealed car parking area. A detention basin with inlet pit is located at the south eastern corner of the lot and drains via easements across adjoining land to the south east where it then enters Council's drainage system.

D2015-310 was issued on 29 September 2015 for Childcare centre.

Current proposal is for deletion of DA Condition No. 57, which relates to S94 Road contributions.

Following is the Technical Services comments in relation to DA Condition 57:

DA Condition 57:

Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$20,049.90 (53 trips) in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.

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

Note 1: Council's adopted 2015/2016 financial year rate is \$378.30 per commercial trip (including administration fee).

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

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

Comments:

After reviewing Geolyse submitted information on 22 December 2015 in relation DA Condition No. 57 for urban roads headworks contributions, Technical Services don't concur with the Geolyse request to delete amount of \$20,049.90 (53 trips) as there is not enough justification provided.

Technical Services concur with Senior Planners calculation of 53 trips amounting \$20,049.90 for urban roads headworks contributions shall be paid by the applicant as stated in DA Condition No. 57 for urban roads headworks contributions.

Therefore Technical Services recommend that the modified proposal shall be send to Council for their consideration.

Musarrat Khan
Development Engineer

WESTERN
PLAINS
REGIONAL
COUNCIL

Incorporating the former
Dubbo City & Wellington councils

REPORT: Modified Development
Application D2016-15 - Depot
Property: Lot 6 DP 234493, 5L Old Gilgandra
Road, Brocklehurst
Applicant: Fardell Investments Pty Ltd
Owner: Fardell Investments Pty Ltd

AUTHOR: Senior Planner 1
REPORT DATE: 16 May 2016
TRIM REFERENCE: ID16/753

EXECUTIVE SUMMARY

Council approved Development Application D2016-15 at the March 2016 Council meeting for a depot at Lot 6 DP 234493, 5L Old Gilgandra Road, Brocklehurst. Specifically, the depot was for a local waste management business for the storage of empty skip bins and plant. The depot was proposed to be temporary in nature and as such, approval was granted for a maximum period of two (2) years with 27 conditions of consent attached to the approval.

A modified Development Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 has since been lodged with Council on 1 April 2016. The Modified Application seeks to remove the requirement that the office/amenities building be relocated a minimum of 30 metres from the front (western) boundary (condition 4), and to vary the approved hours of operation (condition 25).

In accordance with the Development Control Plan 2013 (DCP), surrounding landowners, as well as those who made submissions during the original Development Application, were notified of the Modified Application and Council received three (3) written submissions.

Following assessment of the Modified Application, it is recommended the Application be approved subject to the modified conditions of development consent provided attached as **Appendix 1**. The recommended conditions delete condition 4 and modify condition 25.

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 Modified Development Application D2016-15 Part 2 for a depot at Lot 6 DP 234493, 5L Old Gilgandra Road, Brocklehurst, be modified by way of deleting condition 4 and modifying condition 25 as per the conditions of consent attached as Appendix 1.**
- 2. That those people who made submissions in respect of this Modified Development Application be advised of the outcome of the matter.**

Shaun Reynolds
Senior Planner 1

BACKGROUND

Development consent was granted to this property for a 324 m² rural shed on 17 November 2015 (D15-559). Following commencement of the construction of this building, Council received a complaint that the land was being used for commercial purposes. A subsequent inspection revealed that a portion of the property had been fenced off, with a transportable office/amenities building onsite and a number of clean skip bins present. There was no approval for any of the works or activities aside from the rural shed.

Representations were made to the land owner who confirmed that the land was being used for a depot in association with a waste management business for the storage of vehicles and bins on a temporary basis and without development consent. The owner was subsequently advised that such use of the land required Council consent in the form of a Development Application and that using the land for such purposes was in breach of Condition 13 of Development Application D2015-559 in that the shed was not to be used for commercial or industrial purposes.

Given that the use is permissible with consent in the subject land use zone, and proposed to be temporary, it was determined that the best course of action was to have the land owner lodge a development application to retrospectively legalise the use of the land and the unauthorised building works (transportable office/amenities building).

The Development Application identified the purpose of the depot for the storage of plant and clean skip bins in association with a local waste management business. According to the Application, the depot will see the storage of 36 skip bins, ranging in size from 2-4 metres in length, and eight (8) hook bins ranging in length from 10 to 20 metres. Bins are transported to and from the depot via a 4-tonne truck or a semi-trailer vehicle. Approximately eight (8) (in and out being two (2) movements) vehicle trips per day were proposed. The depot proposed to operate from 7 am to 4 pm weekdays (excluding public holidays) and from 8 am to 12 midday on Saturdays. The proposal was to employ three (3) people.

The Applicant identified that use of part of the property for a depot would be temporary. Consequently, Council time-limited the consent to two (2) years from the date of issue (condition 2).

Consent was issued by Council subject to 27 conditions of consent on 29 March 2016.

Following consideration by Council, the Applicant made enquiries of Council regarding the utilisation of the depot on Saturday afternoons and Sundays. The Applicant was advised that variation to the approved operating hours would require a Modified Development Application to be lodged with Council for assessment. Accordingly, a Modified Development Application was subsequently lodged on 1 April 2016.

REPORT

1. OWNER/APPLICANT

The property is owned by Fardell Investments Pty Ltd.

The application was lodged by Mr Leo Fardell on behalf of Fardell Investments Pty Ltd.

2. SITE CHARACTERISTICS

The property is located on the eastern side of Old Gilgandra Road. It has an area of 59.07 hectares with a frontage to Old Gilgandra Road of 589 metres. An aerial view of the property and locality is provided below in **Figure 1**.



Figure 1. 5L Old Gilgandra Road – The hatched area shows the proposed depot location

Slope

The general slope of the land is south towards the Talbragar River flood plain.

Vegetation

The property has been mainly cleared of vegetation. Vegetation predominantly remains around the property boundaries.

Access

Vehicular access to the property is obtained from Old Gilgandra Road.

Drainage

Stormwater drainage conforms to the natural contours of the land.

Services

While utility infrastructure exists in the vicinity, the property is connected to reticulated water and electricity services only.

Adjoining uses

The property is located approximately 450 metres from the south-eastern edge of the Brocklehurst village with the land being bordered to the south and east by the Talbragar River. The Boral quarry is located to the north, with a road construction company depot, heavy rail line, and disused grain silos located to the west.

1. NATURE OF MODIFIED CONSENT

- Deletion of requirement to relocate office/amenities building (condition 4)
- Modification to approved operating hours (condition 25)

There are two aspects of the development where modification is sought. The first concerns the relocation of the amenities/office building. The subject building is presently located 25 metres from the front (western) boundary. To ensure compliance with the Development Control Plan 2013 (DCP), condition 4 was imposed requiring the building be relocated a minimum of 30 metres from this boundary. The Applicant is seeking to have this requirement removed.

The second aspect of the modification concerns the approved operating hours. Condition 25 reflects the hours of operation proposed by the Applicant as being from 7 am to 4 pm from Monday to Friday and from 7 am to 12 midday on Saturdays. Condition 25 also stipulates that the depot shall not operate on Sundays or public holidays as specified by the Applicant. The Applicant is now seeking to vary these hours to permit the depot to operate from 7 am to 4 pm on Saturdays and Sundays.

No other physical or operational aspect of the depot is proposed to be modified. The use is not proposed to be altered nor the temporary nature of the approval.

A detailed assessment of the requested modifications is provided within this report.

2. SECTION 96 REQUIREMENTS

Section 96(1A) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) pertains to modifications to an approved Development Application involving minimal environmental impact. It states:

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

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
 - (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*
- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application."*

It is considered that the proposed modification would provide negligible environmental impacts and is substantially the same development as the consent which was originally granted. Neighbouring landowners were again notified of the application with three (3) submissions being received.

The information detailed below provides an assessment of these areas of the development which will require assessment with Section 79C of the EP&A Act, as is relevant.

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

3. LEGISLATIVE REQUIREMENTS

(i) Dubbo Local Environmental Plan 2011

Clause 2.3 – Zone Objectives and Land Use Table

The subject property is zoned RU2 Rural Landscape. The Part 1 consent gave approval for use of the land as a *depot* which is permissible with consent in the RU2 zone. There are no operational or physical changes sought with this modification which are outside the definition of a depot. Therefore it is considered that the development remains a permissible use in the zone.

Further, with the original Application it was determined that the depot would not be contrary to the RU2 zone objectives. It was determined that the depot, being a relatively small operation in nature, would be compatible with the rural landscape and character. It is considered that no aspect of the development that is subject to modification would compromise these conclusions.

Clause 7.1 – Flood Planning

The Part 1 assessment revealed the land as being flood-prone from flooding of the Talbragar River. The average level of inundation across the depot from a 1% Annual Exceedance Probability (AEP) flood event is 0.65 metres. To ensure the building is compatible with the flood risk, condition 3 was imposed on the consent requiring a structural engineer's report be submitted to Council confirming that the temporary office/amenities building could withstand velocity and buoyancy impacts of floodwater.

The condition was imposed with the requirement that the building would be relocated as per condition 4. If Council accedes to the Applicant's request that the building remain located as is, the requirements of condition 3 will remain.

Clause 7.5 – Groundwater Vulnerability

The land is identified as having high groundwater vulnerability according to the Natural Resources – Groundwater Vulnerability Map. The Part 1 Application was referred to Council's Environmental Control Branch who deemed the development would not have an adverse impact on the groundwater below the site. It is considered the modifications sought would not contribute any new or additional adverse impacts on the groundwater below the site. No further investigations are required.

(ii) Development Control Plan 2013

An assessment is made of the relevant chapters and sections of the Development Control Plan (DCP). Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Chapter 2.4 – Rural Development and Subdivisions

Section 2.4.8 – Design Elements and Matters for Consideration

Element 1 – Site Integration

The DCP requires buildings (not dwellings) in the RU2 zone to be located a minimum of 30 metres from front property boundaries. During the Part 1 assessment it was noted that the office/amenities building did not comply with the acceptable solution of the DCP. Consequently, while noting the building was located without Council consent, Council imposed a condition that the building be relocated to a minimum distance of 30 metres from the front (western) boundary to ensure compliance. Condition (4) states:

“The temporary office/amenities building shall be relocated to a minimum of 30 metres from the front western boundary.

{Reason: To maintain the streetscape of the locality}”

The Applicant has requested condition 4 be waived and the building remain in its sited location. The following argument was provided:

“The temporary office building is currently approximately 25 metres from the relevant boundary. The movement required is therefore 5 metres. The temporary building is approximately 25 square metres in size. The long axis of the building is perpendicular to the relevant boundary. The building would therefore be required to move five metres along its long axis.

The applicant submits that the difference in location would not be readily apparent to the naked eye (apart from an issue set out below), and there would not be any appreciable difference to the amenity of the area from such a small change. It sits comfortable to the east of a large tree, which provides a visual break between the building and the relevant boundary.

The building is currently placed to enjoy the benefit of existing shade trees, and this benefit would be diminished if it is moved further east. It would take the building out from under the trees and make it more visible rather than less so.

The building is temporary and the building will be removed entirely in two years in any case.”

Condition 2 is relevant to this matter in that two years from the issue of the development consent (ie 29 March 2016), the use of the land for the purposes of a depot is to cease. This includes removal of the office/amenities building. Therefore, the building has a limited life span.

Also of relevance is the distance the building is required to be moved. At present the building is 25 metres from the western boundary. To achieve compliance with the condition of consent, the building will be required to be moved further east by a distance of five (5) metres. Visual inspections of the property demonstrate that moving the building by this distance would visually provide no real difference in terms of how the property is presented. Had the building been constructed closer than 25 metres from the boundary, benefits could be foreseen in relocating the building to ensure compliance. However, moving the building from 25 metres to 30 metres is considered to present no new/additional benefit in terms of improved amenity.

The Applicant has identified that the existing building location is most suitable due to the presence of trees to provide thermal comfort. This point is noted as being of relevance. Although it should also be noted that the Applicant removed a number of trees prior to establishment of the depot, meaning a number of other sites could have been chosen had vegetation not been wilfully removed. A windmill is also located on the eastern side of the building prohibiting the simplistic movement of the building 5 metres directly east.

While noting the above, it is also noted that the condition states that the building has to be moved a minimum of 30 metres from the western boundary. This does not mean it has to be exactly 30 metres from the boundary, and could be located further back at the rear of the site and be compliant. The existing layout sees the shed in the centre of the depot, the office/amenities building towards the front, and the storage/loading areas at the rear. Relocating the office/amenities building towards the rear of the site may result in bin storage areas being relocated to the front of the property. It is considered the small building presents a better amenity than a number of large bins. It is therefore considered the current office location is suitable from an operational and amenity perspective given the submission received from the Applicant.

As stated, the approved depot use is for a period of two (2) years only. Again, benefits would be seen in relocating the building if it was to be a permanent structure. Relocating the building over a relatively minor distance for a temporary period only is again not seen to provide any additional benefit in terms of improved amenity.

Condition 27 of the consent requires the planting of 25 trees along the western boundary one (1) month following issue of the development consent. It is considered these will help to soften any adverse amenity impacts the depot layout may present.

It should be noted that the building was constructed without approval. Therefore, developers should not be seen to be gaining any advantage for not adhering to legislative planning requirements and for constructing development without first receiving Council approval. However in this instance, given the temporary nature of the building, and the relatively minor distance the building is required to be moved, it is considered suitable in this instance that the building remain in its current location and condition 4 be deleted.

Element 2 – Services

There is no amendment to the provision of services to this development through this modification.

Element 3 – Access

Access provision for vehicles is not being amended with access continuing to be provided via Old Gilgandra Road.

Element 6 – Waste Management

No changes to waste management procedures are proposed. Further, as per the Part 1 approval, waste products will not be handled onsite.

4. LIKELY IMPACTS OF THE DEVELOPMENT

Additional operating hours

Condition 25 of the consent stipulates the approved hours of operation for the depot. Condition 25 states:

“The approved hours of operation for this development are 7:00 am to 4:00 pm Monday to Friday and 7:00 am to 12 midday Saturdays. The depot shall not operate on Sundays or Public Holidays.

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

The hours of operation imposed through condition 25 reflect those nominated by the Applicant when lodging the original Development Application. Council considered these hours suitable in terms of the nature of the land use and neighbouring land uses. The Applicant has now requested the hours be modified to permit the depot to operate additionally on Saturday afternoons and all day Sundays. The Applicant has requested the depot operate from 7 am to 4 pm, seven (7) days per week.

In requesting the hours be varied, the Applicant has made the following arguments:

“The depot houses unused skip bins, which are sometimes called upon over the weekend. The bins are delivered from the depot to the householder for immediate use. It is possible that the bins are collected over the weekend and emptied at Council’s waste collection depot, and then returned, empty, to the depot.

No work will occur at the depot during the additional hours, other than the loading of empty skip bins onto a rigid truck, and the truck leaving the depot.

Based on previous experience, the operator expects there to be 4-6 truck movements (in and out being two movements) on each weekend day.”

The primary reason Council imposes conditions of consent restricting operating hours is for noise control and to ensure the amenity of the area is preserved. Typically, Council would impose more restrictive operating hours where a proposed commercial/industrial land use would operate adjacent to residential development or some other type of sensitive land use. Where the use is considered to present very minimal impacts to the locality (eg commercial development within the Central Business District) there would be minimal restriction on operating hours or no restriction at all.

In this instance, the development site is not located immediately adjacent to any sensitive land uses. Immediately adjacent to the depot is agricultural land, a quarry, a road plant depot, a rail line and the Talbragar River. There are three residential properties (one of which is owned by John Holland Rail) to which access is required to be obtained past the subject development site. Vehicles utilising the depot itself are required to directly pass 10 residential properties within the village of Brocklehurst.

In terms of the depot itself, it has been established that activities undertaken would include the movement of vehicles to, from and around the depot, as well as the loading and unloading of bins onto/from these vehicles. Such activities are not considered to be excessively noise-generating activities and would not detrimentally impact on any residential land uses. Consequently, in terms of activities undertaken purely at the depot, the modified hours proposed are considered reasonable.

During the original Application assessment, the Applicant identified that the average daily vehicle movements associated with the depot would be eight (8) (entry and exit being two (2) movements). In requesting extended operating hours, the Applicant has identified that weekend movements would be four (4) to six (6) (again, entry and exit being two (2) movements). Overall, it is considered that the number of daily traffic movements is minimal.

A maximum of six (6) traffic movements on a weekend is not considered to cause a detriment to the amenity of properties along the traffic route. Further, it is considered that functions undertaken at the depot on weekends would not detrimentally impact on the lifestyle of those who pass the depot to/from their place of residence. It is also noted that periodically the Fulton Hogan Depot opposite is accessed on weekends. It is considered that there will be no cumulative impact of the two depots operating on a weekend.

Whilst noting the suitability of operating on weekends, a decision is required to ensure the approved weekend hours are not excessive. The submissions received generally objected to the depot operating on a Sunday. Council therefore is required to ensure a balance is achieved between the objectives of the Applicant and residents, as well as acknowledging the zoning and amenity of the area.

Therefore, despite the Applicant requesting to commence operation at 7 am on Sundays, 8 am is considered a more reasonable commencement time. Further, it is considered that 2 pm is a reasonable time to cease activities. A minimum of six (6) hours is considered ample time for the Applicant to undertake the activities identified in the Application. Further, Council intends to maintain the requirement that no activities be undertaken on public holidays.

Therefore, in consideration of the Applicant's request, and noting the public submissions received, Condition 25 provided in the conditions of development consent attached as **Appendix 1** is recommended to be amended to read as follows:

"25. The approved hours of operation for this development are:

<i>Monday to Friday:</i>	<i>7 am to 4 pm</i>
<i>Saturdays:</i>	<i>7 am to 2 pm</i>
<i>Sundays:</i>	<i>8 am to 2 pm</i>

The depot shall not operate on public holidays.

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

In summary, it is considered that the proposed modifications would not contribute unreasonable impacts to the natural or built environment, nor would they present any adverse economic or social impacts to the locality.

7. SUITABILITY OF THE SITE

The overall layout and appearance of the development is not proposed to be altered through this modification. It is considered that the development is suitable for the locality and the property is of a suitable size for the proposed development.

8. SUBMISSIONS

Surrounding landowners, including those who made submissions to the initial Development Application, were notified of this modified Development Application. During the notification period, three (3) written submissions were received by Council. The submissions received are provided attached in **Appendix 2**. The matters raised in the submissions are discussed below.

- Depot activities being undertaken on weekends

Comment:

All submissions raised concerns with the depot operating on weekends and for Council to consider the rural and residential amenity of the area, as well as the objectives of the RU2 zone.

Such matters have been discussed extensively in this report with Condition 25 amended to permit limited operation on weekends. Overall, it is considered the activities undertaken and hours permitted would not be detrimental to the amenity of the locality or general village of Brocklehurst.

- Amenities/office building to comply with existing condition 4

Comment:

The submission stressed the importance of ensuring the building was moved a minimum distance of 30 metres from the boundary to ensure compliance with the DCP. This was identified in the submission as being particularly important given it is the only building in the area and the need to ensure the building complies to ensure a precedent is not set for future development.

While acknowledging the variation in DCP requirements, in this instance it is considered the location of the building is suitable given its temporary nature and relatively small variance in the acceptable solution.

Another submission acknowledged that moving the building the required five (5) metres would not achieve any real improvement to the site however, requested the building be moved if approval was to be granted for longer than two (2) years. As discussed above, this consent will be for a maximum of two (2) years.

9. PUBLIC INTEREST

There are no matters other than those discussed in the assessment of the Development Application above that would be considered contrary to the public interest.

10. SECTION 64/94 DEVELOPER CONTRIBUTIONS

Section 64/94 developer contributions were not levied against the Part 1 Application, primarily due to the relatively minor nature of and infrequent use of the property. The modified Application would not increase use of Council services to the extent that it would warrant the levying of contributions. Therefore, as per the Part 1 consent, no contributions are proposed to be levied against this development.

SUMMARY

The Applicant is seeking development consent to modify a previously approved Development Application for a depot on Lot 6 DP 234493, 5L Old Gilgandra Road, Dubbo.

The proposal will see an increase in operating hours to include Saturday afternoons and Sundays. Physically, the site will not be altered as Council has acceded to the Applicant's request to leave the office/administration building as is. The proposed Modified Development Application is considered to be substantially the same development as that approved under D2016-15 Part 1.

The Modified Application is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality. The Modified Application is consistent with the objectives of the applicable Environmental Planning Instruments (EPIs), Development Control Plans (DCPs) and Council policies.

Consequently, the following conditions of development consent provided attached as **Appendix 1** have been amended or deleted:

- Condition 4 deleted
- Condition 25 amended to increase approved business hours.

It is therefore recommended that Development Application D2016-15 Part 2 be approved subject to the modified conditions of development consent provided attached in **Appendix 1**.

Appendices:

- 1 Conditions of Consent
- 2 Submissions (3)

CONDITIONS

- (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:

Drawing Title: Site Plan
 Drawing Number: D16-15-1
 Dated: 29/02/2016
 Revision: A

Drawing Number: Detailed Site Plan
 Drawing Number: D16-15-2
 Dated: 29/02/2016
 Revision: A

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

- (2) The operation of the subject depot is approved under this consent for a period of two (2) years. Such two (2) year period commences from the date of issue of this development consent.

At the conclusion of the two (2) year period, use of the land as a depot shall cease, all waste bins and depot associated vehicles removed from the site, the transportable amenities/office building removed, and the onsite septic system removed.

{Reason: Council requirement to ensure use of the land for a depot is temporary in nature}

- (3) A Structural Engineer's report shall be submitted to Council confirming that the temporary office/amenities building can withstand the force of flowing water and buoyancy forces in times of major flooding.

{Reason: To ensure damage to adjoining properties is minimised}

CONDITION (4) DELETED WITH CONSENT D2016-15 PART 2

- (5) No vehicles larger than a 'Rigid Truck' 8.8 m in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal.

{Reason: The internal manoeuvrability and access to the subject land and proposed development will only facilitate 'Rigid Truck' 8.8m in length or vehicles of lesser dimensions at this location}

- (6) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.

{Reason: To provide safety for the travelling public utilising the public roadways}

- (7) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

- (8) No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary.
{Reason: Implementation of Council's policy codes}
- (9) 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}
- (10) 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}
- (11) 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}
- (12) The proposed depot will be used for the storage of empty waste receptacles, and parking of the vehicles used to empty them when the vehicles are not in use. No waste processing or storage of wastes shall be carried out at the depot other than wastes generated on the site. No washing of bins or trucks are permitted to occur on the subject site.
{Reason: Council requirement to require compliance with the POEO Act}
- (13) Copies of the effluent collection receipts shall be maintained on the premises and be available for inspection on request by Authorised Officers of Council.
{Reason: Council requirement for protection of the environment}
- (14) The sanitary drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation 2005 and the policy requirements of Council.
{Reason: Statutory and Council requirement}
- (15) The sanitary plumbing and drainage associated with the sewerage management facility shall be carried out by a licensed plumber and drainer.
{Reason: Statutory requirement of Section 634 of the Local Government Act 1993}
- (16) Entry and exit points to and from the proposed development and off-street parking areas shall be delineated and signposted to at least the standard outlined in Chapter 3.5 of the Dubbo Development Control Plan 2013.
{Reason: Implementation of Dubbo DCP 2013}

- (17) The sanitary drainage associated with the proposed building requires the separate approval of Council prior to being installed. In this regard a Sewage Management Facility Application form is available from Council, and must be completed and returned to Council with all associated design, installation details and fees. No drainage must be installed until Council has approved the proposed treatment and disposal method for the site and issued an approval to install the intended sewage management facility.
{Reason: Council and statutory requirement of Section 68 Local Government Act 1993}
- (18) 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.
- External sanitary plumbing and drainage under hydraulic test.
 - Final inspection of the installed sanitary fixtures upon the building's completion prior to its occupation/use.
- {Reason: Statutory provision and Council requirement to ensure compliance with Council's approval is being achieved}
- (19) The hot water delivered to the outlets of the hand-basins shall not exceed 50°C.
{Reason: Statutory requirement of the Plumbing Code of Australia}
- (20) 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}
- (21) 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}
- (22) Roof water shall be discharged at least 3 m clear of any building without detriment to any adjoining properties.
{Reason: To ensure adequate drainage}
- (23) The pump out effluent tank shall be provided with a height alarm indicator set at a tank height of approximately three quarters full which will allow a safety factor of a quarter of the tank. The warning light and the audible alarm shall be installed in the meal room in a prominent location. The tank shall be emptied by a qualified effluent disposal company when the tanks alarm has indicated that the tank is three quarters full.
{Reason: To ensure the tank does not over flow and is emptied by a qualified effluent disposal company}
- (24) At least one (1) portable fire extinguisher shall be provided to the subject temporary building in conformity with E1.6 of the BCA.
{Reason: Council requirement for appropriate fire-fighting facilities for use by the occupants}

CONDITION (25) AMENDED WITH CONSENT D2016-15 PART 2 TO READ AS FOLLOWS:

(25) The approved hours of operation for this development are:

Monday to Friday:	7 am to 4 pm
Saturdays:	7 am to 2 pm
Sundays:	8 am to 2 pm

The depot shall not operate on Public Holidays.

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

(26) 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}

(27) As a consequence of the removal of native trees within the vicinity of the depot, the Applicant shall within one (1) month of the issue of this Development Consent provide a minimum of 25 native tree plantings along the western boundary of the depot. The tree planting shall be undertaken using long stem tube stock. To ensure the success of the tree planting it is recommended that the tree planting be carried out during the autumn season. The recommended tree species for this location include the following:

- White Box (*Eucalyptus albens*)
- Yellow Box (*Eucalyptus melliodora*)
- Blakely's Red Gum (*Eucalyptus blakelyi*)
- Kurrajong (*Brachychiton populneus*)

The trees shall be maintained for the period of this consent.

{Reason: To ensure appropriate tree species are planted to offset previous tree removal and provide screening to adjoining properties}

NOTES:

(1) 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.

(2) The subject land is flood liable, with the proposed temporary structure site being completely inundated by the 1% AEP flood event (1 in 100 years ARI).

- (3) The subject land is flood liable, being inundated by a 1 % AEP flood event (1 in 100 years ARI). It is estimated that the subject temporary building site would be inundated to a depth of approximately 0.9m at the 1% AEP, being estimated at that site as 263.9 m AHD.

The following Table K1 extracted from the NSW Government's Floodplain Development Manual April 2005, highlights the probability of a particular flood event occurring within a period of 70 years.

Size of Flood (Chance of occurrence in any year) ARI/(AEP)	Probability of Experiencing the Given Flood in a Period of 70 Years	
	At least once (%)	At least twice (%)
1 in 10 (10%)	99.9	99.3
1 in 20 (5%)	97.0	86.4
1 in 50 (2%)	75.3	40.8
1 in 100 (1%)	50.3	15.6
1 in 200 (0.5%)	29.5	4.9

*TABLE K1 - Probabilities of Experiencing a Given Size Flood Once or More in a Lifetime
(predicted by statistical theory for random events)*

- (4) Occupants of structures erected on flood liable land need to be aware of and acknowledge the risks inherent with occupation on flood prone land. In this regard, floods can still occur at a magnitude greater than that for which the proposed temporary structure floor level is set to i.e. the 1% AEP flood event.

Depending on the characteristics of a particular flood event and the degree of involvement of the Macquarie Valley in such an event, the local emergency services cannot give assurances that resources will be available at a particular point in the future to assist individual occupants with evacuation and removal of contents. Therefore, owners/occupants need to have prepared in advance their own evacuation plan and procedures, and the sourcing of any required external assistance necessary to limit their own losses.

Further, it is emphasised that the Bureau of Meteorology currently has no flood warning system for the Talbragar River. Consequently, during a future flood event in the Talbragar River, residents along such river may have little or no prior warning of a flood.

Further, it is emphasised that the extent of advance warning of an impending flood is largely determined by catchment characteristics, rainfall quantity and the distribution of such rainfall. Consequently, the warnings provided by the Bureau of Meteorology of a flood event may or may not be sufficient to effect a complete evacuation of contents and equipment prior to inundation.

- (5) The flood levels utilised for assessing this development have been extracted from Council's Flood Prone Land Policy (May 2013) which are derived from the Talbragar River Flood Study (PPK 1995) and its revision of September 1997.

However, Council has subsequently had commissioned a new Flood Study (Cardno March 2012) but which to date has not been adopted by the Council. As such study utilised the latest 2-dimensional hydrodynamic modelling techniques and comprehensive aerial laser survey data it is considered to be more complete and reliable than previous investigations. For the information of the Applicant, the following Table compares the estimated flood levels at the subject site under Council's current Policy and the Cardno Flood Study.

Document	Est. 1% AEP Height (mAHD)
Council Flood Prone Land Policy -Appendix B (May 2013) (Interpolated between CS T7.768 & CS T6.368)	263.9
Cardno Flood Study (March 2012)	264.8

- (6) **Glossary - Terminology used in this Consent:**

Annual Exceedence Probability (AEP): the probability of a given flood height being equalled or exceeded once in any year. For example, a 1% AEP flood has a 1% probability or 1 in 100 chance of occurring or being exceeded in each and any year. It is expressed as a percentage.

Australian Height Datum (AHD): is a national datum level to which all vertical control for mapping is referred. The datum surface is that which passes through mean sea level at thirty tide gauges around the coast of the Australian continent.

Average Recurrence Interval (ARI): the recurrence interval is the number of years, on average, of a given flood height being equalled or exceeded. For example, the 100 year flood height would be equalled or exceeded once in 100 years on average. It is expressed as a ratio in years. ARIs of greater than 10 years are very closely approximated by the reciprocal of the AEP.

With ARI expressed in years, the relationship is:

$$AEP = 1 - \exp(-1/ARI)$$

which results in the following conversion table:

ARI (years)	AEP
1	0.632 (63%)
2	0.393 (39%)
5	0.181 (18%)
10	0.095 (10%)
20	0.049 (5%)

ARI (years)	AEP
50	0.020 (2%)
100	0.010 (1%)

- (7) If the Applicant is proposing to use the rainwater as potable water in for the temporary building, Council recommends that an Australian Standard approved filtering devise be installed on the feed line from the rainwater tank to such temporary building.

RIGHT OF REVIEW AND APPEAL

Right of Review: Section 82A 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, within six months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

Note: Pursuant to s82A(4) a Council is not obligated to accede to a request for review.

Right of Appeal: Section 97 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 months after the date on which you receive this Notice.



1st Floor, 62 Wingewarra Street
PO Box 184
DUBBO NSW 2830

☎ 02 6884 152
☎ 02 6884 147

✉ dubbo@geolyse.com
🌐 geolyse.com

Our Ref: 116024_LEO_002_Submission S96

21 April 2016

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

Attention: Mr Shaun Reynolds

Dear Shaun

SUBMISSION LETTER IN REGARDS TO D2016-15 (PART 2), MODIFICATION APPLICATION FOR APPROVED 'DEPOT' ON LOT 6 DP 234493, AT 5L OLD GILGANDRA ROAD, DUBBO

We act on behalf of our client, land owner at 12R Old Gilgandra Road, Brocklehurst (Lot 1 in DP 974590), whom has engaged our services to prepare a submission letter in regards to a proposed Modification Application (Council Reference D2016-15 Part 2) for the approved 'depot' use at 5L Old Gilgandra Road, Brocklehurst. Our client is concerned with maintaining the rural character and amenity of the area, and also maintaining the residential amenity in the area.

It is understood that the Modification Application is to amend Condition No. 4 and Condition No. 25 of the consent. Condition No 4 relates to the relocation of the temporary office building to meet setback requirements and Condition No. 25 relates to increasing the approved hours of operation for the depot.

The temporary office building features a front setback of approximately 25m, while the *Dubbo Development Control Plan (DCP) 2013* requires a 30m setback in the RU2 – Rural Landscape land zone. It is considered that the depot development and associated buildings should comply with the Dubbo DCP 2013, especially given the existing vacant nature of the site, and the subject development being a new development on the site. Furthermore, it is considered that setback requirements are a critical control within the DCP 2013. It is also noted the transportable nature of the building and ease in gaining compliance with the required setback.

The current Development Consent D2016-15, has given approval for the depot to operate from 7:00am to 4:00pm Monday to Friday, and 7:00am to 12 noon Saturday. The modification proposes to extend these hours to include 7:00am to 4:00pm, seven days per week. However, our client believes this would impact on the existing rural residential amenity in the area, and would contradict the objectives of the RU2 land zone.

The hours of operation should not be dissimilar to other businesses operating in the locality, including the Boral quarry site to the north. We understand that the operating hours of Boral are 7:00am to 4:00pm, Monday to Friday, with Fulton and Hogan also operating within these times, however for less days per week. The existing amenity has been set by how other businesses are operating in the locality, and this proposed depot operation should feature no greater impact than existing operations.

Dubbo City Council	
Parcel	D16-15 PD2
Ass	SP1
27 APR 2016	
File C	AU1639F02
AD16/14701	



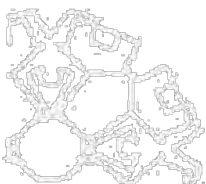
If you and/or the applicant would like to discuss these matters further and require any other information please do not hesitate to contact our Dubbo Office.

Yours faithfully
Geolyse Pty Ltd

A handwritten signature in blue ink, appearing to read "Jock Rodgers", written over a faint, dotted grid background.

JOCK RODGERS

Graduate Town Planner



PROCESSE

18th April 2016

Dubbo City Council
P.O. Box 81
Dubbo, NSW. 2830

Attn: Shaun Reynolds

Re: Letter in regards to D2016-15. Proposed 'Depot' on Lot DP 234493' 5L

Dear Shaun

I am the resident owner of 'Clydangle' 12R Old Gilgandra Road.

I would wish to lodge an objection to the following proposal to modify conditions of consent

- 1. Proposal to leave site office at 25 meters

I am of the understanding that a minimum set back of 50 meters is the requirement of a RU2 zoning. This would give sufficient area to develop a vegetation screen to soften the development. However a set back of 30 meters was to be acceptable considering the temporary nature of the development in the initial conditions of consent. With this consideration the proposal being temporary 25/30 meters makes little difference but if a time extension or permanent application is sought than at least minimum requirements to infrastructure and set backs should be compliant with the RU2 zoning to maintain rural landscape as this zoning promotes.

- 2. Proposal to extend operating hours

Consideration needs to be given to the zoning and residential areas. Local businesses Boral and Fulton & Hogan only operate 7am-4pm on weekdays giving the local area down time to enjoy peace and quiet after hours and on weekends. To extend these hours of operation will certainly compromise this. It's needs to be recognised that this area is of a rural and not an industrial zoning.

Also similar zoning exist within the village and could decisions made now set the precedent for future applications?

As a concerned resident of Brocklehurst I hope these points expressed above are considered valid during the decision making process.

Yours sincerely,

Mr Tyson Searle

PROCESSE!

11R Old Gilgandra Road
Brocklehurst
N.S.W. 2830

Ph. 68 885223

13.4.16.

Dear Sir,

With regard to D.A. D2016-15.5L Old Gilgandra Road. Brocklehurst.

Dubbo City Council has already ruled on this application, and albeit reluctantly, those who have opposed it for a variety of reasons, have had to accept that ruling. Could we not justifiably expect Mr. Fardell to do the same? We understand that there has been some skip activity on a Sunday, in spite of the ruling.

There is very rarely any activity at the weekends from either Boral or Fulton Hogan and it would be very acceptable to the neighbours, and Brocklehurst villagers, (all ratepayers), to have their streets truck free at the weekends as ordered by Council in their ruling.

With regard to the amenities block. There would have been more choice of shade if Mr. Fardell had not bulldozed not only the eucalypts, but also the peppercorns, cedars and other trees, which had been pollarded by the previous owner, but which would have grown back. We understand that the shade is convenient for the staff working there, but surely the positioning of the block should have been measured out previous to the unauthorized clearance. Or, if the D.A. had been submitted at the correct time the development would have been carried out according to council requirements.

We do have a concern about this whole DA. Has Council now set a precedent in that a developer can proceed with a project, then put in a D.A. several months later and get it approved?

Yours sincerely,

Isabel and John Wallace

Isabel Wallace
John Wallace

Dubbo City Council	
Parcel.....	D16-15.5L
Ass.....	PL
15 APR 2016	
File C.....	PL16/2901

RECEIVED
14 APR 2016
By SFO

REPORT: South-East Dubbo Residential Urban Release Area - Draft Stage 1 Structure Plan Public Exhibition Results

AUTHOR: Manager City Strategy Services
REPORT DATE: 17 May 2016
TRIM REFERENCE: ID16/134

EXECUTIVE SUMMARY

The former Dubbo City Council, at its meeting on 21 December 2015 considered a report in relation to the draft South-East Dubbo Residential Urban Release Area Structure Plan. Council resolved to place the draft Structure Plan on public exhibition for a minimum of 28 days to undertake consultation with state public agencies and affected landowners. A copy of the draft Stage 1 Structure Plan for the South East Dubbo Residential Urban Release Area is provided here in **Appendix 1**.

The draft Structure Plan was placed on public exhibition from Thursday 14 January 2016 until Friday 12 February 2016. Council received four (4) public submissions and four (4) State Public Agency submissions in respect of the draft Stage 1 Structure Plan. Public submissions provided to Council are included here in **Appendix 2**. State Public Agency Submissions are provided here in **Appendix 3**. As a result of submissions received by Council, a number of amendments to the draft Stage 1 Structure Plan have been undertaken. In addition, Council has also undertaken a number of other minor amendments to improve the clarity and understanding of the role of the draft Plan and the relationship of the Plan with surrounding lands.

The draft Stage 1 Structure Plan has analysed opportunities and constraints relating to land in the area and provides associated strategic residential growth principles for the ultimate development of this land.

The draft Stage 1 Structure Plan also provides high level consideration of infrastructure requirements including traffic and access across the precinct and sets a variety of development densities, which are consistent with the provisions of the Dubbo Residential Areas Development Strategy, 1996 and will have the ultimate potential to provide for a variety of housing types and styles.

The draft Plan has included an indicative location for the future Southern Distributor, which is proposed to traverse the subject lands. The indicative location of the future Southern Distributor has been included in the draft Stage 1 Structure Plan for the purposes of land use planning only.

The final location and nature of any Southern Distributor including the specific alignment through the land will be significantly impacted by the results of the traffic planning and analysis activities being undertaken by Roads and Maritime Services in respect of the LH Ford Bridge duplication. The ultimate option adopted by the RMS in respect of the LH Ford Bridge is likely to have traffic flow-on effects across the City for both local and highway traffic and will require detailed consideration, planning and extensive consultation with the community and land owners.

This report outlines the results of the public exhibition of the draft Structure Plan including a summary of submissions received and amendments made to the draft Structure Plan following public exhibition.

It is recommended that the draft Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area, as amended and provided here in **Appendix 1**, be adopted by Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

If adopted by Council, the draft Stage 1 Structure Plan for the South East Dubbo Residential Urban Release Area will become an adopted Council Structure Plan that will have the role of guiding the development of the South-East Dubbo Residential Urban Release Area.

The draft Structure Plan will be utilised by Council to inform the development and consideration of any future Planning Proposals on the subject lands and ultimately guide the overall development of lands in the precinct.

RECOMMENDATION

- 1. That the draft Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area as provided in Appendix 1, be adopted by Council.**
- 2. That the people who provided submissions, included in Appendix 2 and Appendix 3 of this report, be advised of the outcome of Council's considerations and thanked for their submission.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

The former Dubbo City Council, at its meeting on 23 September 2013, resolved to prepare a number of Structure Plans to aid future development within the defined Residential Urban Release Areas (URAs) in the Dubbo Local Environmental Plan 2011 as well as other areas where an investigation of development potential was considered appropriate. Council in resolving to prepare Structure Plans aimed to ensure a continuity of supply of residential housing would be guaranteed and to ensure the Dubbo housing market could continue to supply the correct mix of residential housing options for a variety of price points across the City.

The Strategic Land Use Working Party (SLUWP) of the former Dubbo City Council, at its meeting on 10 March 2014, considered a report in respect of the Administrative Review of the Dubbo Local Environmental Plan 2011 Structure Plans (Review of Opportunities and Constraints). The report introduced the SLUWP to the processes involved in the preparation of Structure Plans, particularly for the South-East Dubbo Residential Urban Release Area.

In consideration of the report, the SLUWP resolved as follows:

- “1. That the information contained within the report from the Manager City Strategy Services dated 4 March 2014, be noted.*
- 2. That Council seeks further technical studies, where required, to facilitate completion of each Structure Plan identified in the report.”*

In accordance with the above resolution, a number of background and technical studies were completed by the owner of the Hillview land which is a major component of the South-East Dubbo Residential Urban Release Area. The background and technical studies included the following:

- Flooding;
- Acoustic impacts;
- Groundwater and salinity;
- Contamination;
- Flora and fauna; and
- Aboriginal archaeology.

The results of the technical studies have informed preparation of the draft Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area, which was presented to the former Dubbo City Council at its meeting on 21 December 2015.

In consideration of the draft Structure Plan, Council resolved to place the draft Plan on public exhibition for a minimum of 28 days and to undertake consultation with state public agencies and affected landowners.

This report provides the results of the public exhibition and consultation process and details and proposed changes to the draft Structure Plan where considered appropriate as a result of submissions received.

REPORT

1. Public Exhibition

Public exhibition of the draft South-East Dubbo Residential Urban Release Area Structure Plan was undertaken from Thursday 14 January 2016 until Friday 12 February 2016. The draft Structure Plan and supporting documentation were displayed at the Dubbo Branch of the Western Plains Regional Council, the Dubbo Branch of the Macquarie Regional Library and Council's website. Advertisements were also placed in local print media and correspondence was sent to relevant State Public Agencies and land owners in the area proposed to be included in the draft Structure Plan.

Council received a total of four (4) public submissions and four (4) State Public Agency submissions both during and following the conclusion of the public exhibition period. Submissions provided by the public are included here in **Appendix 2**. Submissions provided by State Public Agencies are included here in **Appendix 3**.

(a) Public Submissions

Table 1 provides a submissions timeline for submissions received by Council from the public. This also includes a short precis of the submission:

Date	Name	Submission Precipis
10 February 2016	Mr and Mrs D and H Ringland	Submission raised a number of concerns in respect of the structure planning process and the proposed indicative location of the Southern Distributor road.
12 February 2016	Geolyse Pty Ltd (on behalf of Maas Group Properties No. 2 Pty Ltd and D Ringland)	Submission provided a number of specific comments and suggestions for amendments in relation to Lot 12 DP 1207280, Lot 399 DP 1199356 and Lot 2 DP 880413 and individual strategic growth principles included in the Plan.
23 February 2016 (Meeting only)	Geolyse Pty Ltd Maas Group Properties No. 2 Pty Ltd	Following receipt of the first submission from Geolyse Pty Ltd, Council officers met with Geolyse and the owner of Lot 12 DP 1207283 and Lot 399 DP 1199356 to discuss the content of their submission dated 12 February 2016. A key outcome of the meeting was that a further submission was to be provided by Geolyse Pty Ltd seeking specific amendments to the draft Structure Plan.

Date	Name	Submission Precipis
26 February 2016	Geolyse Pty Ltd (on behalf of Maas Group Properties No. 2 Pty Ltd)	This submission was provided to Council by Geolyse as an amending submission from the submission dated 12 February 2016. Amendments in this submission included withdrawing previous comments provided in respect of land owned by Mr and Mrs D and H Ringland (Lot 2 DP 880413), the provision of additional information and withdrawing the objection to removal of Strategic Growth Principle number 18 in respect of the Internal Connectivity Index.
1 March 2016	Mr and Mrs D and H Ringland	Submission raised further concerns in respect of the land use zoning and development regime for Lot 2 DP 880413 owned by Mr and Mrs Ringland.

The following information provides a summary of the issues raised in each public submission and a relevant response where considered necessary.

(i) Submission 1 – D and H Ringland

- *The intended southern road should be located further south than where it is proposed.*
- *What has prompted the suggestion that no development should occur south of the proposed ring road – there is already development south of the proposed road further west.*
- *The buffer zone on the eastern side of our property makes no sense as the quarry has a limited life and new ones would be considerably to the east of the established quarry.*
- *When we purchased the property there was no indication of any ring road being put near or through our place until 2036 at the earliest. Had we had an inkling of this change we wouldn't have done the development to the property that we have.*
- *We chose to live in this beautiful part of Dubbo because although there is the quarry traffic during the day it is remarkably peaceful when they are not running. We have developed our place to raise cattle and breed horses and our quiet enjoyment of life is going to be severely impacted.*
- *We understand Dubbo has to develop and acknowledge that sometimes individuals will be affected for what is necessary for the whole community. We would respectfully suggest that future attempts be more personally communicated.*

Comment:

The need for a southern ring-road or distributor road was identified in the Dubbo City Planning and Transportation Strategy prepared in 2009 and also formed a key component of the Dubbo City Transportation Strategy to 2045 that was prepared by the former Dubbo City Council in 2012. The process of preparing the 2009 Strategy and the Dubbo City Transportation Strategy to 2045 also include public exhibition and consultation processes.

The draft South-East Dubbo Residential Urban Release Area Structure Plan provides an indicative location only for the proposed Southern Distributor road through the South-East Dubbo Residential Urban Release Area.

The indicative location of the proposed Southern Distributor was mapped and included in the draft Structure Plan for land use planning purposes only to understand the impact of flooding constraints from the Eulomogo Creek to the south and to ensure the efficient allocation of a variety of land use activities across the subject lands.

In respect of the future alignment of the proposed Southern Distributor road, the former Dubbo City Council at its meeting on 21 December 2015 resolved (in part) as follows:

“5. That a Councillor workshop be convened in early 2016 to discuss options for the future alignment of the Southern Distributor in the south-east sector of the City.”

The final alignment of any Southern Distributor road will require further detailed planning and analysis. The results of this planning and analysis will also be governed by the planning activities Roads and Maritime Services are currently undertaking in respect of options development for the proposed duplication of the LH Ford Bridge. Accordingly, a workshop of Councillors was not able to be convened.

It is considered that the most appropriate final alignment of the proposed Southern Distributor, its relationship with the South-East Dubbo Residential Urban Release Area and ultimate connection to the Mitchell Highway can only be furthered following the finalisation of the RMS planning processes in respect of the L H Ford Bridge. Once a draft final alignment of the Southern Distributor is known, detailed stakeholder and community consultation processes will be undertaken by Council.

No changes to the draft Structure Plan are recommended as a result of the issues raised in the submission.

(ii) Submission 2 – Geolyse Pty Ltd on behalf of Maas Group Properties No 2 and D Ringland

This submission was provided to Council on 13 February 2016. The submission provided a number of specific comments and suggestions for amendments in relation to Lot 12 DP 1207280, Lot 399 DP 1199356 and Lot 2 DP 880413 and individual strategic growth principles included in the draft Structure Plan.

Following receipt of the submission, Council officers met with representatives from Geolyse and the owner of Lot 12 DP 1207283 and Lot 399 DP 1199356 on 23 February 2016. The purpose of the meeting was to discuss the points and issues raised in respect of the draft Structure Plan. A key outcome of this meeting was for Geolyse to provide a further amending submission taking into account the issues discussed. As a result of discussions, the amended submission provided by Geolyse removed a number of changes that were previously sought to the draft Structure Plan.

Following this discussion, Geolyse provided a revised submission on 26 February 2016 which is discussed in the following section of the report.

(iii) Submission 3 – Geolyse Pty Ltd on behalf of Maas Group Properties No 2 (Amending Submission)

This amended submission was provided by Geolyse on 26 February 2016, the submission provides the following introduction:

“Our previous submission dated 12 February 2016 included representation on behalf of the adjoining landowner to the east Mr and Mrs Ringland of Lot 2 DP 880413. These comments have been made with the consent of Mr and Mrs Ringland however they no longer form part of our submission upon the Draft Structure Plan until such time as servicing constraints have been determined for their land.

We understand Mr and Mrs Ringland’s concerns regarding the Draft Structure Plan remain, however they would like to now make their own formal representation to Council under separate cover.

To suitably inform the Draft Structure Plan Maas have prepared concept intentions for the residential development of their land and request this submission is considered having regard to the following:

1. *Maas is a large land owner of the land affected by the Plan; and*
2. *Maas are actively delivering residential land within Dubbo and the anticipated development delivery programme for their land it to:*
 - a. *Provide a residential estate consistent with the masterplan and zoning of the existing Southlakes Estate.*
 - b. *Builds onto existing infrastructure as development progresses east in an efficient and cost effective manner.*
 - c. *Continues to provide opportunities for varied housing product across the estate over the life of the release area.*
 - d. *Utilise all land in the most suitable, efficient and effective manner.*
3. *Maas have commissioned detailed site analysis reports to inform future development of this land. These reports confirm the suitability of the site for residential development as intended by Maas.*
4. *Maas understands the need for a future Southern Distributor but this infrastructure should not set a boundary for the future residential development of land south of this ‘indicative’ corridor, noting the suitability of land to the south of the Southern Distributor for large lot residential development.”*

The following information details issues and/or changes requested to the draft Structure Plan and a relevant response where considered necessary.

Issue – Staging of Development

- *That the staging image within item 7 of the Plan be deleted so as to avoid confusion and allow the whole of the property to be developed generally consistent with that described within the Servicing Strategy prepared by Geolyse Pty Ltd, generally consisting of continuous development over time in a logical progression.*
- *In this regard we acknowledge the servicing constraints and confirm that a Servicing Strategy for Lot 399 has been prepared by our Civil and Hydraulic Engineers with regard to the submitted site assessment reports and would also form part of any future Planning Proposal for the land.*

Comment:

The proponent provided a Servicing Strategy to Council in respect of Lot 399 DP 1199356. A copy of the amended Servicing Strategy is provided here in **Appendix 4**. Council's Dubbo Branch, Technical Services Division has undertaken a detailed assessment of the Servicing Strategy and have provided 'in principle' support to the proposed infrastructure servicing regimes as included in the amended Servicing Strategy for structure planning purposes only.

However, in providing 'in principle' support for the measures included in the amended Servicing Strategy, it should be noted that detailed servicing requirements will be required to be provided to Council for consideration and approval with any future development application for residential subdivision or any other development on the land.

Following the assessment and consideration of the proponents amended Servicing Strategy, the majority of Lot 399 DP 1199356 can now be included in Stage 1 of the Structure Plan. The remaining area of Lot 399 DP 1199356 situated south of the indicative location of the Southern Distributor is proposed to remain as a component of Stage 2 of the Structure Plan. Issues in respect of development to the south of the indicative location of the Southern Distributor are further discussed in the report. Figure 1 shows the proposed amended staging as included in the draft Structure Plan.

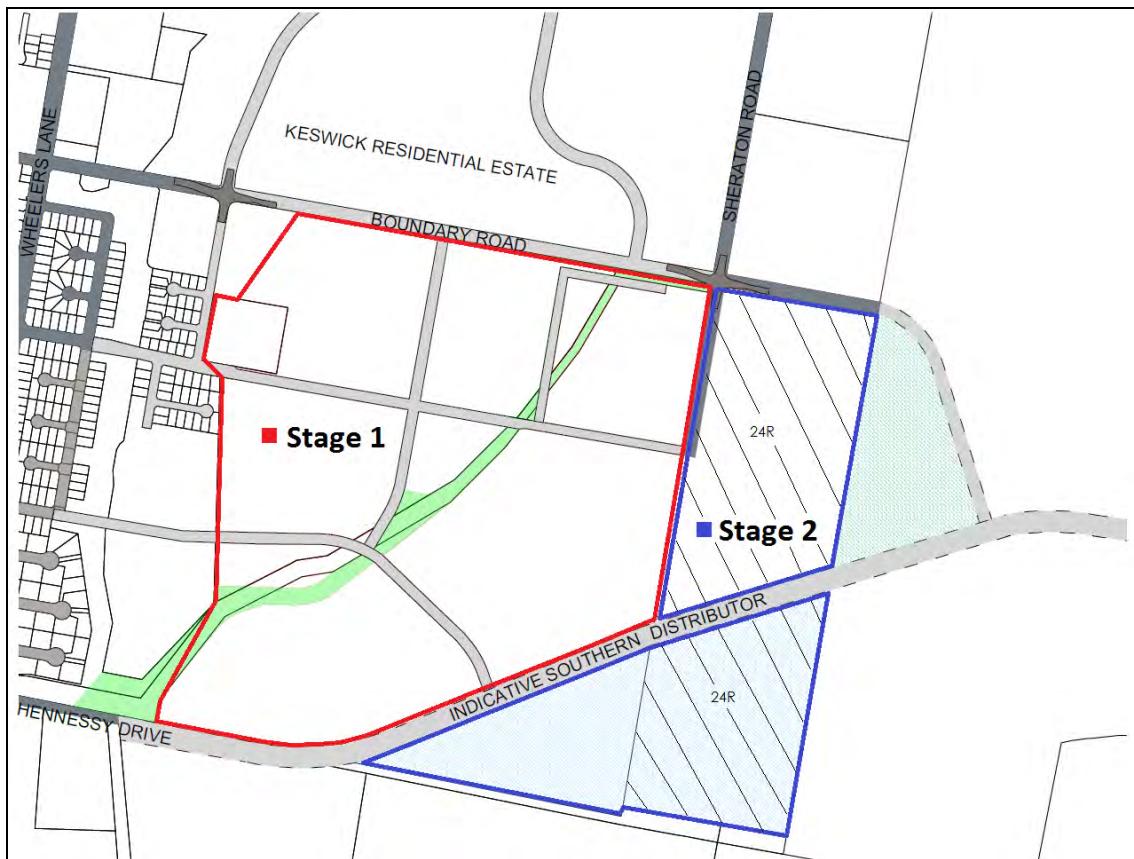


Figure 1. Proposed Development Staging

It should be noted that Lot 2 DP 880413, 24R Sheraton Road, Dubbo, as shown hatched in Figure 1, is proposed to remain in Stage 2 of the Structure Plan due to servicing constraints. Further assessment and consideration of infrastructure provision for lands included in Stage 2 of the Structure Plan will be required to be undertaken to determine constraints to development and the most appropriate density of development.

Issue – R1 General Residential Land

- *That the Plan incorporate additional R1 zoned dispersed 'salt and peppered' across the site and along the drainage corridor to:*
 - *Enable the developer to provide flexibility in housing product over time,*
 - *Allow the developer to meet the market now and in the future;*
 - *Provide a residential character consistent with that of the existing Southlakes Estate by extending the existing residential estate to the east;*
- *The dispersed R1 zoned land is desired to create higher density residential land adjacent to or within close proximity to public recreation land, cycle ways, walkways, and drainage reserves and in an effort to provide a more effective road network and flexible subdivision layout than that achieved if it were developed as a homogenous R2 low density housing estate. This is consistent with that approved and zoned within Southlakes to the west and would further replicate the success of the liveability and character of this land.*

- *It is anticipated that future development would generally be a combination of single and two storey residential dwelling development with opportunities for higher development heights being provided upon larger R1 zoned sites. Development intended upon R1 zoned sites would provide for the following types of housing:*
 1. *Traditional medium density (multi dwelling housing) development upon larger land areas generally in the form of attached 2 bedroom single storey dwellings approximately 4 to 6 dwellings long.*
 2. *Small lot housing (attached and semi-detached dwellings) development upon small to medium land areas, generally where divided by through roads and drainage corridors and in the form of attached and detached dwellings with minimal private curtilage upon local through roads.*
 3. *Integrated house and land development (multi dwelling housing, attached dwellings, semi- detached dwellings, and dwellings) with private roads, open space and community facilities upon larger land areas.*

Comment:

The Proponent has requested the Structure Plan include additional areas for the provision of R1 General Residential zoned land. The provision of additional R1 zoned land within the precinct as proposed is not ordinarily a land use planning outcome encouraged by Council in the absence of a development strategy for the land by the Proponent. However, the Proponent has provided a level of information throughout the structure planning process that the general intent behind zoning such lands is to allow for the development of integrated multi dwelling housing developments.

Such development on the land would allow consideration of both the overall design and development outcome in conjunction with the future subdivision and development management arrangements.

Whilst the provision of additional R1 zoned lands within the precinct is considered appropriate as discussed in the report, it is considered that the Structure Plan does not require any further alteration to facilitate such an outcome. The provision of any zoning and/or minimum allotment size changes across the subject lands will be required to be undertaken through the Planning Proposal process, where further assessment of the area and the objectives of such developments can be undertaken by Council.

Issue – Zoning of Lands South of the Future Southern Distributor

- *That the Plan be amended to provide R2 and R5 residential development upon larger lot sizes south of the future 'Southern Distributor'. It is evident through analysis of flood constraint of Eulomogo Creek and the indicative location of the 'Southern Distributor' that sufficient developable land exists in the southern portion of each lot for residential development. Figure 10 of the Plan clearly identifies the land not constrained by the 1% flood event and the discussion under heading '5.7 Flooding' of the Plan identifies: The extent of the 1% flood event will guide the location of urban development in this area of the land."*

Maas have always been under the assumption that this land is intended for future residential development as illustrated upon current and past supporting maps of the LEP and subject to consideration of the flooding constraint of Eulomogo Creek. The introduction in recent years of the 'Southern Distributor' should not quarantine land to its south.

- *Maas envisage the development of this land would be generally consistent with established residential development along the southern side of Hennessey Drive comprised of dwellings sited upon larger allotments provided with building envelopes above the flood hazard and retaining the private ownership and management of the flood plain.*
- *We understand Council staff require further time to understand both the location and service status of the Southern Distributor together with detailed servicing requirements for land south of the Southern Distributor and in this respect we accept deferment of this element of the strategy to allow these matters to be considered in due course.*

Comment:

At the current time, the draft Structure Plan does not consider development south of the indicative location of the Southern Distributor road. The majority of land within this area is subject to the impacts of the 1 in 100 year flood event from Eulomogo Creek and is situated within a close proximity to agricultural land use activities further to the south.

The final location and nature of any Southern Distributor including the specific alignment through the land will be significantly impacted by the results of the traffic planning and analysis activities being undertaken by Roads and Maritime Services in respect of the LH Ford Bridge duplication. The ultimate option adopted by the RMS in respect of the LH Ford Bridge is likely to have traffic flow-on effects across the City for both local and highway traffic.

The Southern Distributor road should provide limited access points for vehicles and limited opportunities for dwellings to front the road. High level planning for the Southern Distributor road will centre on ensuring at least a 60 km – 80 km hour speed environment can be maintained. Development within the vicinity of the indicative corridor for the Southern Distributor road including any potential for development south of the Corridor will be required to be carefully considered in conjunction with overall infrastructure and servicing constraints.

Given this uncertainty, it is considered appropriate for the future land use zoning and resultant development density south of the indicative Southern Distributor location to be deferred pending the completion of the detailed traffic planning and analysis. Following the completion of these activities, the actual nature and extent of any development south of the indicative Southern Distributor can be planned having regard to land constraints, location and function of the Southern Distributor. On this basis this land south of the indicative Southern Distributor has also been included as a component of Stage 2 of the Structure Plan.

Issue – Development Density

- *That the Plan delete Figure 6.11 Development Density Hillview and other lands as it is unclear what is being sought by this additional density layer and how this interacts with future development standards and controls of the site. We request development density and typologies be left to those prescribed and defined by the LEP.*
- *Notwithstanding the above request and to assist Council in understanding the development intentions for the land we have provided indicative allotment sizes 'catchments' across the land.*

Comment:

The submission has sought deletion of Figure 6.11 Development Density Hillview and other lands from the Structure Plan. This map is a core component of the draft Structure Plan that provides guidance in respect of the overall development density and indicative subdivision allotment sizes across the subject lands.

The indicative minimum allotment sizes included in the 'Concept Master Plan' document prepared by Geolyse differ from the Development Density Map. Such differences primarily include the 'interface' of the land with the outer edge of the urban area and its relationship with the indicative Southern Distributor corridor and rural land use activities located further to the south of the land.

The Development Density Map provides for a gradation of lot sizes in the southern section of the Southlakes (Hillview) Estate from the classification of suburban family with a minimum allotment size of 600 square metres to suburban lifestyle with a minimum allotment size of between 2,000 and 4,000 square metres to country suburban with a minimum allotment size of between 4,000 and 6,000 square metres.

The approach undertaken in the provision of such development densities in this area of the land is consistent with the zoning and resultant minimum allotment sizes for subdivision of land situated on the southern boundary of both the Holmwood Estate and the Macquarie View Estate to the east of the subject site. Both residential housing estates have been developed with the provision of 4,000 square metre allotments on the southern boundary to Hennessy Drive.

The provision of larger allotments in this area is consistent with the principles of concentric zoning in which development densities progressively get larger relative to distance from urban centres. In this respect, such concentric planning is a key requirement of the Dubbo Residential Areas Development Strategy, which was first adopted by Council in 1996, which aims to ensure a variety of lot sizes and densities are maintained in Dubbo, whilst providing minimal impacts to adjoining and adjacent lands, which in this case are used for agricultural and other uses.

It is considered appropriate that the Development Density Map, remain in the draft Structure Plan, as it will guide future Planning Proposals and development across the land as to appropriate development densities in the area given surrounding land uses, constraints and the role and status of the land as the last greenfield land in Dubbo, suitable for residential use east of the Macquarie River.

To further aid in the understanding of the Development Density Map, the map has been amended to include minimum lot size ranges for each density type rather than single lot sizes.

Issue – Public Open Space

- *That the Plan Amend Strategic Growth Principle 19 to allow residential development to back onto areas of open space and not solely require separation between use areas by a roadway.*
- *Particular attention is drawn to the Plans Strategic Growth Principle 23 which requires fencing to public open space being of open and transparent nature. This is consistent with that provided within the existing Southlakes Estate and would be replicated.*

Comment:

Strategic Residential Growth Principle 19 is proposed to be amended in response to the issue as provided below:

Currently, Strategic Residential Growth Principle 19 states as follows:

“19. Residential development shall not be provided backing onto areas of open space. Open space and residential development shall be separated by a road or other key access point.”

Based on the issues raised above, Strategic Residential Growth Principle 19 has been amended to state as follows:

“19. Residential development shall not be provided backing on to areas of open space and should be separated by a road or other key access point unless the development provides a suitable level of access to open space areas in accordance with the requirements of Western Plains Regional Council, has open and transparent fencing and promotes living areas fronting open space.”

The proposed amendment to Strategic Residential Growth Principle 19 will allow a development proponent to provide residential development backing onto an area of public open space providing public access and use of the area of open space is in accordance with the requirements of the Dubbo City Park and Open Space System Master Plan (as amended) and the requirements of Council’s Dubbo Branch, Parks and Landcare Division.

Issue – Dual Occupancy Development

- *That the Plan amend Strategic Growth Principle 3 to allow dual occupancy development to be consistent with that of the LEP and design provisions of the current DCP being 600 m² and that all future development should have regard to suitable useable private open space, sufficient boundary setbacks, and acceptable streetscape character impacts etc.*

Comment:

Strategic Residential Growth Principle 3 states as follows:

- “3. Dual occupancy development is encouraged and promoted on land with an area greater than 900 m² and a frontage of greater than 17 m.”*

It is considered appropriate that Principle 3 remain in the Structure Plan as it does not restrict dual occupancy development on land less than 900 m² with a frontage less than 17 metres. Rather, the intent of this principle is to specifically encourage dual occupancy development on larger allotments in order to encourage better design outcomes for dual occupancy development.

Issue – Residential Design Guide

- *Strategic Residential Growth Principle 6 requires Councils preparation of a Residential Design Guide. It is not clear whether this needs to occur prior to development. The existing requirements of the Dubbo DCP and applicable planning policies and guides are considered sufficient to provide for suitable development and we would be concerned if this guide creates additional complexity and confusion with the development of land.*

Comment:

Strategic Residential Growth Principle 6 states as follows:

- “6. Council will prepare a Residential Design Guide for the use of the Dubbo Development Industry that will encourage site-responsive design and variety of housing offer.”*

It is considered appropriate for Strategic Residential Growth Principle 6 to remain in the Structure Plan as it will not impact development within any area in Dubbo or place any additional requirements on land development. The Residential Design Guide will be prepared by Council at a future date and does not need to be finalised prior to development of the land.

(iv) Submission 4 – D and H Ringland

- *We are primary landholders of the land affected by the Draft Structure Plan.*
- *We see our land as providing residential development which would ‘build onto’ future residential development as it progresses from Southlakes Estate;*
- *We now understand the need for a Southern Distributer but this infrastructure should not set a boundary for the development of the land;*

- *Development should provide a gradual progression in lot size and residential development that builds onto the Southlakes Estate to the west;*
- *Limitations for low density development should have regard to the servicing constraints of the land and be generally consistent with that of land immediately to the west.*
- *The future road extensions of Boundary Road to / and the Southern Distributer should be used as a geographical boundary between land uses (i.e. residential, rural, extractive industries) to contain typical low density residential development in this area.*
- *Having regard to the above we oppose the Draft Structure plans indication that land south of the Southern Distributer be zone RU2 Rural Landscape (figure under heading 6.9) as this land is currently zoned for residential development and that our land should be more appropriately zoned for low density residential development.*
- *We are also concerned by what is meant by the figure under heading 6.11 of the Draft Structure Plan 'Development Density Hillview and Other Lands', in particular the illustrated transition between Suburban Professional, Suburban Transition and Suburban Buffer. In particular what densities are envisaged in these areas by the Draft Structure Plan and will they be a gradual progression from the Residential lot sizes in the west.*
- *We can confirm that we understand that all future residential development would be required to understand and accommodate environmental constraint areas.*

Comment:

This submission was provided in respect of Lot 2 DP 880413, No. 24R Sheraton Road, Dubbo. It should be noted that a number of the issues raised in the subject submission have been previously addressed in Council's consideration of submission 3 and have not been further analysed in this section of the report.

As detailed above, the owners of the subject site would like their land zoned low density residential development. The draft Structure Plan was placed on public exhibition including indicative densities consistent with large lot residential or rural residential development consisting of minimum allotment sizes between 6,000 square metres and 1.5 hectares.

However, in respect of the land owners request for low density residential development on the subject site, further consideration of site constraints, infrastructure and servicing and the impact of quarry operations from the adjoining quarry would be required to be undertaken. In addition, overall development regime planning would also be required to be undertaken to determine the most efficient development density and layout for the subject site.

On this basis and given the proponent of the Southlakes Estate to the west of the subject site has undertaken a significant level of constraints assessment and infrastructure planning to inform how their land will ultimately be developed, it is recommended that the subject site be included in Stage 2 of the Structure Plan. Depending on the overall development intentions of the landowners, this will allow further assessment, consultation and consideration of such issues prior to Council's further analysis of an appropriate lot layout and development density for the subject site.

Notwithstanding and in the absence of detailed constraints assessment and infrastructure planning, the land currently has a minimum allotment size for subdivision of 1.5 hectares under the provisions of the Dubbo Local Environmental Plan 2011. The owners of the land could lodge a development application to Council to undertake development on the land in accordance with the provisions of the LEP 2011 without seeking any further reduction in development density on the site as a component of Stage 2 of the Structure Plan. However, it should be noted that any development application would be required to show appropriate consideration of site constraints, compatibility with adjoining and adjacent land use activities, the planning and appropriate availability of infrastructure and development design.

(b) State Public Agency Submissions

As a component of the public exhibition of the draft Structure Plan, consultation was undertaken with a number of State Public Agencies including the Office of Environment and Heritage (OEH), Department of Primary Industries (Water), Department of Primary Industries (Agriculture) and Roads and Maritime Services.

The State Public Agency submissions provided to Council in respect of the draft Structure Plan are provided here in **Appendix 3**. The following is a summary of the information provided in the submissions and a comment where considered necessary.

(i) Submission 5 – Office of Environment and Heritage

- *OEH is aware that the subject sites contain high biodiversity values and cultural and historic heritage values.*
- *OEH is strongly supportive of the implementation of appropriate environmental zonings to areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2–E4 and W1–W2 to provide as much protection as possible to biodiversity and ecological communities. OEH recommends that areas identified as having high biodiversity values be zoned as E2 to provide long term protection of these areas.*
- *OEH notes that the subject sites contain a number of scarred trees. Aboriginal objects, places and areas are protected across all land tenure under the National Parks and Wildlife Act 1974. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage. Provisions to facilitate the strategic conservation of Aboriginal cultural heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.*
- *OEH strongly recommend that Councils develop planning strategies that result in the avoidance of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.*

Comment:

The South-East Dubbo Structure Plan identifies areas of high biodiversity within the Keswick Residential Estate. Zoning considerations of these high biodiversity areas will form a key component of Stage 2 of the South-East Dubbo Residential Release Area Structure Plan.

The South-East Dubbo Structure Plan also identifies several items of cultural heritage and archaeological significance. The extent and location of these sites and other items will be required to be further considered at the rezoning and/or development stage in accordance with State Government legislation and the requirements of the Office of Environment and Heritage.

(ii) Submission 6 – Department of Primary Industries (Water)

- *A number of groundwater bores exist on the site. Consideration of future management of these bores and their licences would need to be addressed in future detailed design. If decommissioning is selected DPI Water would need to be notified to cancel the licences and the works would need to be decommissioned in accordance with the requirements set out in “Minimum Construction Requirements for Water Bores in Australia”.*
- *A number of surface water dams exist on the site. Consideration of future management of these dams would need to be addressed in future detailed design. Dam sizes would need to be consistent with the Maximum Harvestable Rights Dam Capacity for the proposed lot sizes.*
- *The site includes a first order watercourse flowing west in the middle of the Keswick estate and a third order watercourse with two first order watercourses in the SE section of the Hillview estate. DPI Water advises future works within 40m of these watercourses will need to be consistent with the Guidelines for Controlled Activities on Waterfront Land (DPI 2012). It is recommended this be addressed in the early stages of rezoning/lot design as buffer requirements may determine the locations of zone and lot boundaries.*
- *It is recognised reticulated water and sewer is proposed for future development at the site. This is strongly supported by DPI Water to mitigate potential impacts to the local groundwater and surface water systems.*
- *It is anticipated the stormwater generated from the site will flow into Eulomogo Creek and the Macquarie River and may interact with the alluvium of the Macquarie River. This raises key issues for future consideration including:*
 - *Management of peak discharges in watercourses to not exceed pre-development and to ensure adequate controls for watercourse stability.*
 - *Protection of water quality in the Macquarie River alluvium and the watercourses to maintain quality for town water supply, existing users and the environment.*
 - *Protection of water quality in the Dubbo weir pool on the Macquarie River to maintain quality for the town water supply from stormwater, other runoff from the site, sewer overflows and other impacts.*

Comment:

The South-East Dubbo Structure Planning area includes a number of groundwater bores, surface water dams and two watercourses. The extent and location of these sites as well as stormwater management will be required to be further considered as a component of the design preparation, rezoning and/or development stage in accordance with State Government legislation and the requirements of DPI (Water).

(iii) Submission 7 – Department of Primary Industries (Agriculture)

- *The HGL profiles for the area provide an initial assessment of the salinity implications of the development, and will act as a guide for planning and assessment. Detailed investigation will be required at the Development Stage.*
- *There is likely to be salinity at the interface of the Dubbo Basalt and other surrounding units. Salt sites have been observed in the vicinity of the basalt caps and in drainage lines in wet periods. Previous EM surveys have confirmed the saline locations in this HGL. This will impact on block layout and greenspace provision.*
- *The issue in this landscape is also the potential to store salts, and to contribute to surrounding HGLs, particularly the alluvium. Long low slopes accumulate salts. In wet conditions salt load to streams may be elevated due to mobilization of salt store.*

Comment:

The South-East Dubbo Structure Plan identifies the Hydro Geological Landscapes across the subject lands. Detailed investigation and consideration of these HGLs and the issue of salinity will be required to be undertaken as a component of the design preparation, rezoning and/or development stage in accordance with State Government legislation and the requirements of DPI (Agriculture).

(iv) Submission 8 - Roads and Maritime Service

- *The proposed Dubbo southern distributor's location on the map below is indicative and, the final design, location and possible connection to the Mitchell and Newell Highway are contingent on a number of factors including future upgrades to the Newell and Mitchell Highways, future traffic growth and travel patterns in Dubbo and Roads and Maritime's concurrence (with regard to the Newell Highway) and the Minister for Roads consent (with regard to the Mitchell Highway).*
- *It is important for a city of the size of Dubbo to not rely on the Mitchell and Newell Highways alone to move traffic from one side of Dubbo to the other. It appears the structure plan acknowledges this with good connectivity to local collector roads such as Boundary Street, Azure Avenue, Sheraton Road and Hennessey Drive/Macquarie Street.*
- *Planning for extensions to Sheraton Road and Boundary Street and future connection to the proposed southern distributor road will need to assess the safety impacts on Sheraton Road adjoining and near Dubbo Christian School, St Johns College and St Johns Primary School.*
- *Roads and Maritime appreciates and welcomes Council's commitment to continue to liaise with Roads and Maritime as Council further plans and develops the proposed southern distributor road and its possible connections to Mitchell and Newell Highways.*

Comment:

It is considered that the issues raised in the submission do not require any further comment or discussion because the location and characteristics of the future Southern Distributor road awaits the completion of the detailed traffic modelling and assessment being undertaken by the RMS in respect of the LH Ford Bridge duplication.

2. Future Direction

If adopted by Council, the draft Stage 1 Structure Plan for the South East Dubbo Residential Urban Release Area will become an adopted Council Structure Plan that will have the role of guiding the development of the South-East Dubbo Residential Urban Release Area.

The draft Structure Plan will be utilised by Council to inform the development and consideration of any future Planning Proposals on the subject lands and ultimately guide the overall development of lands in the precinct.

In addition, following Council's adoption of the draft Stage 1 Structure Plan, preparatory work and analysis activities in respect of Stage 2 of the Structure Plan will be undertaken for the remaining lands in the subject area towards the ultimate preparation of a Stage 2 Structure Plan document.

In the interim, the draft Stage 1 Structure Plan provides certainty for the developers of the Southlakes Estate and will subsequently allow for the lodgement and consideration of development applications for residential subdivision by Council.

It should also be noted that the proponent of the Southlakes Estate has provided a draft site specific Development Control Plan to Council for consideration in accordance with the requirements of the Dubbo Local Environmental Plan 2011. This draft Development Control Plan is effectively the next stage for the proponent in seeking development on an area of the Southlakes Estate and is a key requirement of the development assessment process. A separate report in respect of the draft site specific Development Control Plan has been provided to Council for consideration.

SUMMARY

The draft Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area Structure Plan has been prepared by Council. The draft Stage 1 Structure Plan has analysed opportunities and constraints of land in the area and provides associated strategic residential growth principles for the ultimate development of lands within the area.

The draft Stage 1 Structure Plan also provides high level consideration of infrastructure requirements including traffic and access across the precinct and sets a variety of development densities, which are consistent with the provisions of the Dubbo Residential Areas Development Strategy, 1996 and will have the ultimate potential to provide for a variety of housing types and styles.

The draft Plan has included an indicative location for the future Southern Distributor, which is proposed to traverse through the subject lands. The indicative location of the future Southern Distributor has been included in the draft Stage 1 Structure Plan for the purposes of land use planning only.

The final location and nature of any Southern Distributor including the specific alignment through the land will be significantly impacted by the results of the traffic planning and analysis activities being undertaken by Roads and Maritime Services in respect of the L H Ford Bridge duplication. The ultimate option chosen by the RMS in respect of the L H Ford Bridge is likely to have traffic flow-on effects across Dubbo for both local and highway traffic and will require detailed consideration, planning and extensive consultation with the community and land owners.

It is recommended that the draft Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area as provided here in **Appendix 1** be adopted by Council.

Appendices:

- 1 South-East Residential Urban Release Area Structure Plan - Draft
- 2 Public submissions (4)
- 3 Public agency submissions (4)
- 4 Servicing Strategy - Draft

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South-East Dubbo Residential Urban Release Area STAGE 1 STRUCTURE PLAN



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1. Introduction

The South-East Dubbo Residential Urban Release Area consists of approximately 354 hectares of land situated at the south-eastern edge of the established urban area of Dubbo, as shown in Figure 1. Eulomogo Creek traverses the precinct in the south-east, providing connectivity to the Macquarie River. The subject lands considered as a component of this Structure Plan include the residue of Keswick Estate and land referred to as 'Hillview' or the Southlakes Estate.

The majority of the subject lands (apart from the residue of Keswick) are classified as Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011. This and other lands in the area, place a focus on strategic planning and especially structure planning to ensure neighbourhoods are created that support future growth and provide comfortable living environments with a high level of amenity, identity and sense of community today and in the future.

The precinct is predominately zoned R2 Low Density Residential with the eastern edge of the land zoned R5 Large Lot Residential due to the close proximity of the land to an existing adjoining hard rock quarry to the east.



Figure 1: South-east Dubbo structure planning subject lands

2. Function

2.1 Background

The former Dubbo City Council, at its meeting on 23 September 2013, considered a report from independent Property and Town Planning Consultants, Hill PDA, in respect of the status and success of the Dubbo Residential Areas Development Strategy and the state of the Dubbo Housing Market.

The former Dubbo City Council, in consideration of this report, resolved to prepare a number of Structure Plans to assist future development within the defined Residential Urban Release Areas (URAs) in the Dubbo Local Environmental Plan 2011 (DLEP) and other areas where an investigation of development potential was considered appropriate. Council, in resolving to prepare Structure Plans, aimed to ensure a continuity of supply of residential housing would be guaranteed and to ensure the Dubbo Housing Market could continue to supply the correct mix of residential housing options and price-points across Dubbo.

In resolving to prepare Structure Plans for the defined URAs, the former Dubbo City Council resolved for each Plan to give consideration to the following issues as a minimum:

- i. Flora and fauna;
- ii. Groundwater;
- iii. Salinity;
- iv. Infrastructure provision;
- v. Flooding;
- vi. Overall development design;
- vii. Minimum requirement for small lot housing and medium density housing in the Urban Release Areas; and
- viii. Affordable housing.

As a component of the preparatory work required to prepare a Structure Plan, the land owner of the Hillview Land (Southlakes Estate) undertook a number of background studies that would achieve the purpose of informing the Structure Plan in respect of the Southlakes Estate and any future development application the developer would be lodging with Council. This included the following background reports:

- Flooding;
- Acoustics;
- Flora and Fauna;
- Groundwater and Salinity; and
- Aboriginal Archaeology.

Council acknowledges the continued engagement and cooperation of the owner of the Hillview Land (Southlakes Estate) in the preparation of this Plan.

In undertaking the structure planning for the south-east Residential Urban Release Area, the former Dubbo City Council engaged consultants, Moir Landscape Architecture, to undertake an analysis of the key constraints and opportunities within the area. This consultancy also included an analysis of the background studies provided by the owner of the Hillview Land (Southlakes Estate), topography, flooding, ecological, geological, acoustic, contamination, archaeological, pedestrian, traffic and surrounding land use of the study area.

A comprehensive Stormwater Management Review was also undertaken for the subject area by Northrop Consulting. The result of this analysis also informs the Structure Plan.

2.2 Structure Plan Staging

This Structure Plan is the first component of a staged process that aims to ensure residential development opportunities continue to be delivered in Dubbo and in particular the South-East Residential Urban Release Area.

The subject lands included in the Structure Plan are dominated by two separate estates in the Keswick Residential Estate and land known as Hillview, which will form a future extension of the Southlakes Estate. The Structure Plan also includes other lands to the east of these estates on Sheraton Road.

The role of this Structure Plan is to set the overall direction for development in the South-East Residential Urban Release Area, inform land use decisions in the DLEP and allow the developers of the Southlakes Estate to pursue a partial development of the Estate having regard to overall infrastructure and servicing constraints.

This Structure Plan does not attempt to provide any guidance in relation to future zoning and land use density provision for the Keswick Estate. The consideration of zoning and overall density of Keswick Residential Estate and the other lands included in Stage 2 as shown in Figure 2 will form the components of a separate Stage 2 South-East Dubbo Residential Urban Release Area Structure Plan.

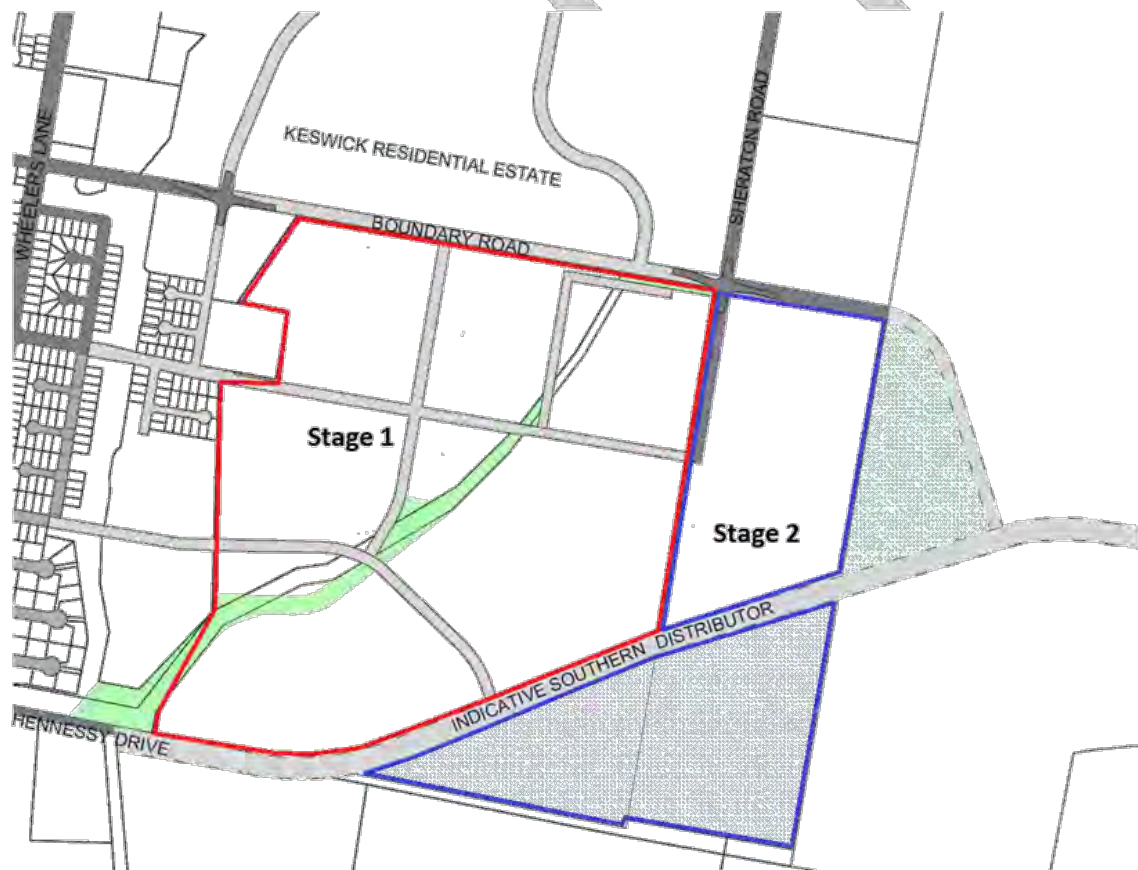


Figure 2: Proposed staging of the structure planning process

3. Objectives

The objectives of this Structure Plan are to:

- Identify the opportunities and constraints of the land and the anticipated needs of the community;
- Broadly indicate the likely future development potential of the study area;
- Enable the characteristics of the study area to determine the most appropriate location and form for future development;
- Provide a broad context of the consideration, by Council, of individual rezoning submissions within the study area; and
- Establish a vision and set of development objectives which future development proposals will be required to meet.

DRAFT

4. Planning Context and Role of the South-East Residential Urban Release Area

4.1 Dubbo Urban Areas Development Strategy

The Dubbo Urban Areas Development Strategy (including the Dubbo Residential Areas Development Strategy) was first adopted by Council in 1996. The Strategy forms the basis for land use zoning and planning controls provided in the Dubbo Local Environmental Plan 2011.

The land included in this Structure Plan is contained in the South-East Dubbo Precinct. The relevant stated objectives for land use in this precinct are as follows:

- Ensure potential for conflict between residential development and quarry/crushing/trucking operations, agriculture, and greyhound track are resolved prior to zoning for residential use;
- Based on the Keswick Structure Plan 1996 and other considerations, commit this as the final major area for fully-serviced residential development east of the Macquarie River;
- Resolve concerns related to aquifers and Eulomogo Creek in the event of a decision to allow suburban residential development;
- Consolidate Hawthorn Street light industrial area; and
- Resolve traffic conflicts at Hawthorn Street junction.

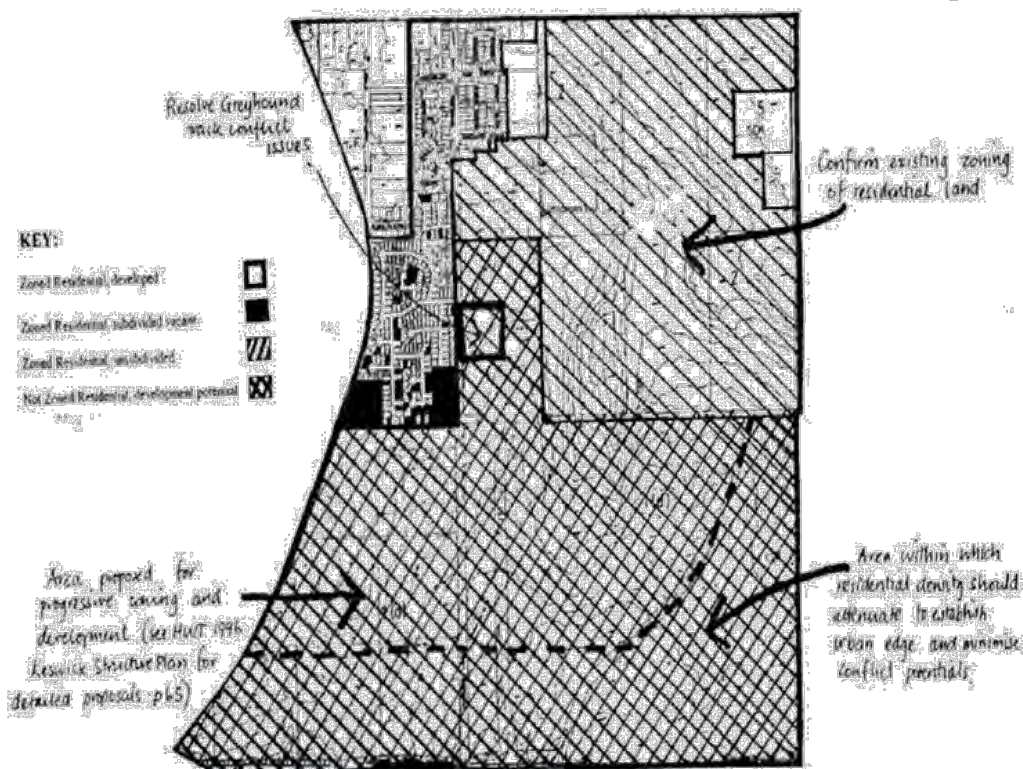


Figure 2: South-East Precinct – Dubbo Urban Areas Development Strategy

4.3 Residential Release Strategy: South-East Dubbo

The role of this Residential Urban Release Strategy for South-East Dubbo is to provide the appropriate mechanisms and controls to ensure the orderly residential development of the South-East Dubbo Urban Release Area having regard to the following:

- Location of lands;
- Environmental capability of lands;
- Effective provision of required infrastructure without undue cost to the community;
- Ability for residential development to be within close proximity to community service facilities and employment networks;
- For development to be undertaken in a staged manner reflecting market aspirations and the needs of the community; and
- Affordable housing opportunities.



Figure 4: Lands included in the South-East Residential Release Strategy

The Residential Urban Release Strategy guides the implementation of the recommendations of the Urban Areas Development Strategy and Review, the Dubbo City Planning and Transportation Strategy 2036 and the Dubbo Local Environmental Plan 2011. The Strategy also provides indicative development staging as included in Figure 4.

5. Constraints and Opportunities Analysis

This section of the Structure Plan provides an overall constraints and opportunities analysis for the overall land area subject to structure planning. This area includes the land which is subject to this Stage 1 Structure Plan and the lands that will be included in the separate Stage 2 Structure Plan.

In consideration of constraints and opportunities, it is important that the constraints of all lands in the precinct can be understood to facilitate efficient and effective structure planning processes.

5.1 Demographics

Dubbo is one of the State's largest inland cities with an estimated resident population of 41,934 people in 2015 (ABS, 2016). The City of Dubbo services a catchment population in excess of 120,000 people.

Dubbo has a high proportion of young and elderly people, with 24% of the population aged between 0 and 15 years and 14.5% of the population aged 65 and over. The median age is 36 years.

Dubbo has 15,814 households of which 69.74% are family households. The dominant dwelling structures are three and four bedroom dwellings which make up 70.58% of private, occupied dwellings, 38.5% and 32.08% respectively. One bedroom dwellings make up only 2.91% of the total occupied private dwellings in the City. The proportion of home ownership is comparable to the State average, 62.81% in Dubbo compared to 63.4% in New South Wales. Of the total dwellings, 28.72% are rented. The average household size in Dubbo is 2.6 persons.

Population projections undertaken by KPMG for Dubbo in 2012 provided low, medium and high scenarios, with the medium series projecting Dubbo's population to 47,786 by 2026 and 51,550 by 2036.

The NSW Department of Planning and Environment's population projections for Dubbo have estimated the population to be 45,150 by 2026 and 46,500 by 2031. It is acknowledged that the estimates prepared by the State Government are conservative in nature and do not take full account of the likely development activity undertaken in the City and the Central West and Orana Region.

The south-east Dubbo residential area is expected to experience the majority of residential growth in the City up to and including 2026.

5.2 Geology

The majority of the area sits within the Goonoo Slopes which is characterised by extensive undulating landscapes and stepped low hills with long slopes of sub-horizontal Triassic/Jurassic quartz sandstone, conglomerates, siltstone, shale and coal. The ridgelines are defined by sandstone outcrops and stony yellow earths, giving strong contrast to the yellow harsh texture soils in shallow valleys. Volcanic rock outcrops are visible on the north-east corner of the site.

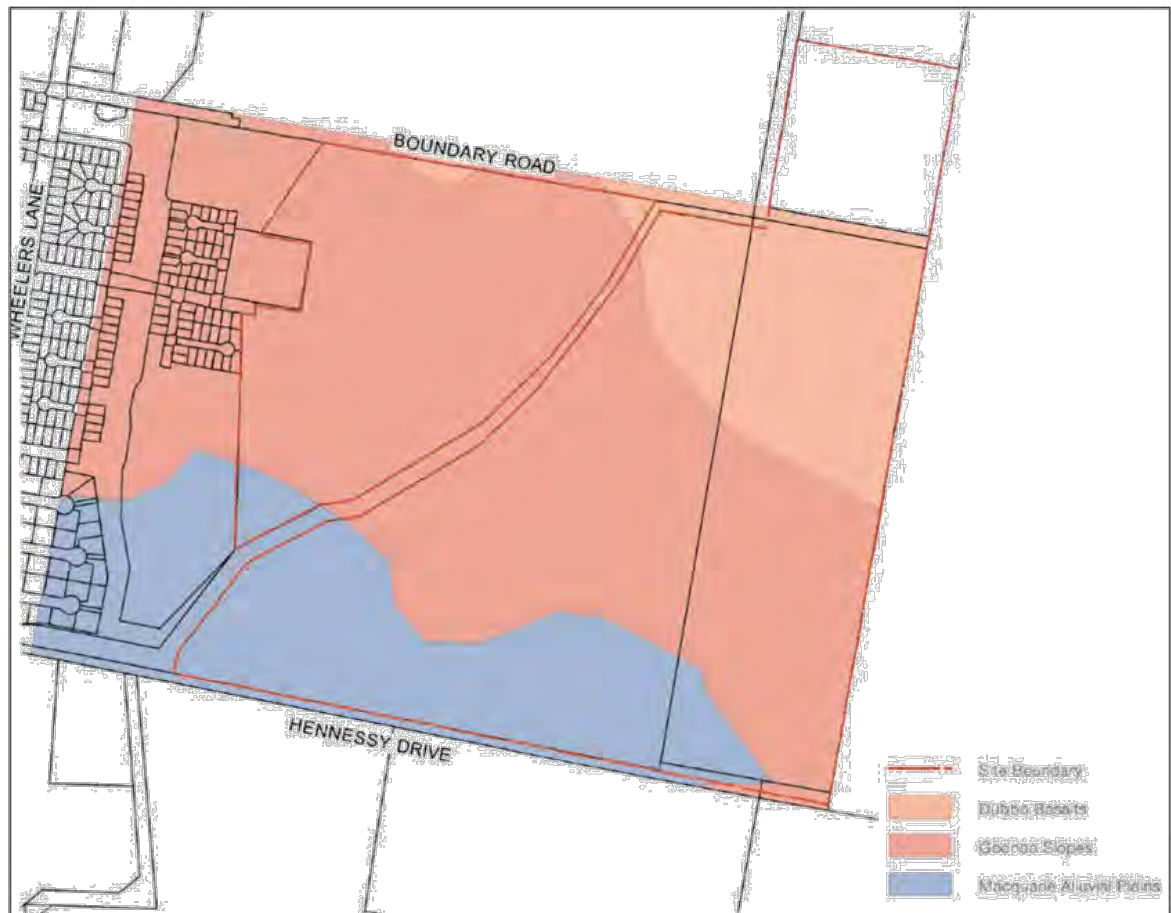


Figure 5: Soil types across in the southern section of the subject lands

The area north of Boundary Road has a significant area that is affected by shallow rock above 1m in depth.

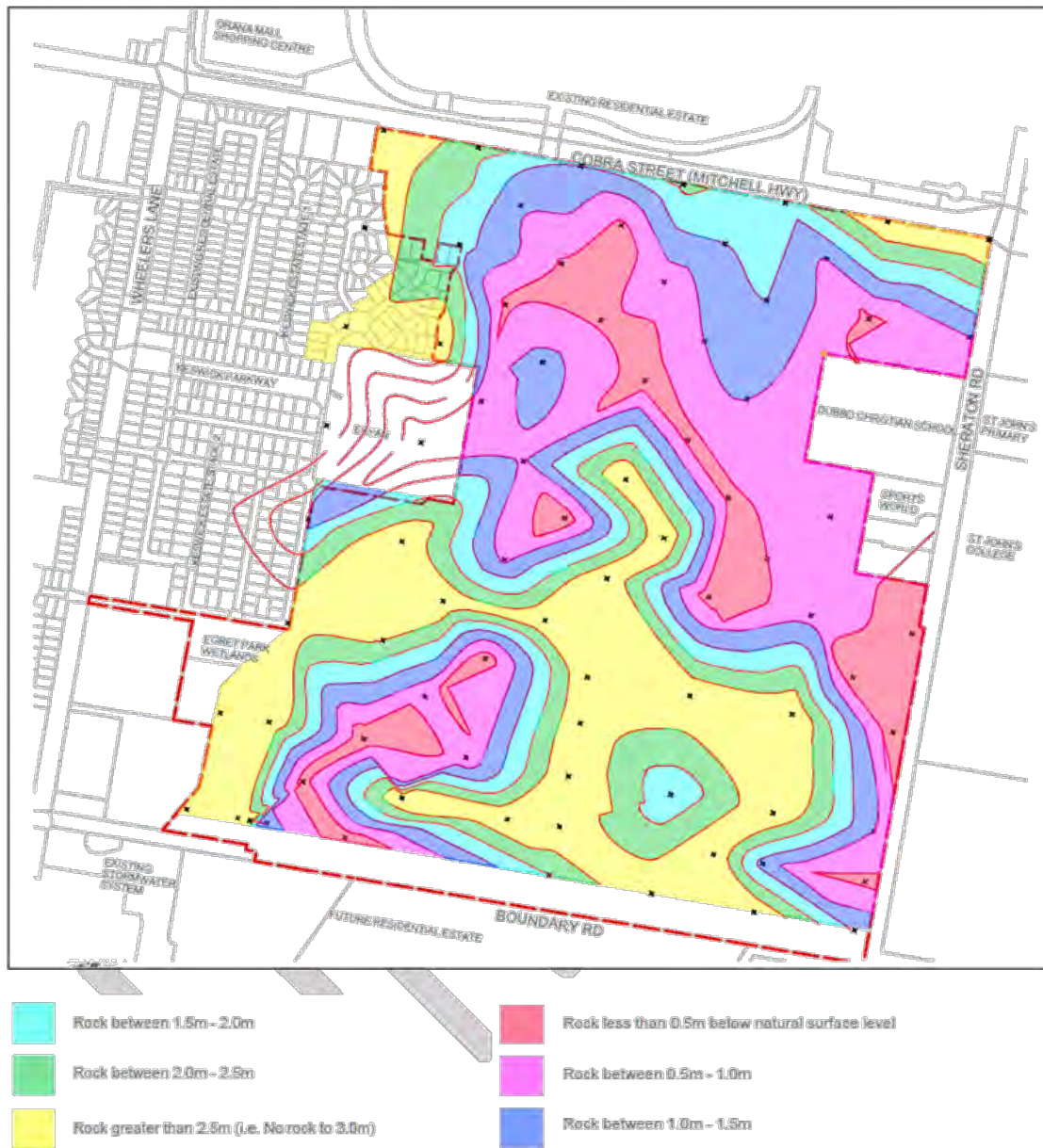


Figure 6: Rock depths across Keswick Estate

5.3 Groundwater and Salinity

The subject area is largely contained within the Dubbo Basalt, Old Dubbo Road and Peachville Hydrogeological Landscapes (HGLs), with a small portion of the area part of the Macquarie Alluvium.

The following table identifies the assessed salinity data for the HGLs in the area:

Hydro-geological Landscapes	Land Impact	Salt Load Export Impact	Impact on Water Quality	Overall Hazard
1 Macquarie Alluvium	Low	Moderate	Low	Medium
5 Dubbo Basalt	Moderate	Moderate	Low	Medium
15 Old Dubbo Road	Low	Moderate	Low	Low
18 Peachville	Low	Moderate	Low	Low

Source: Dubbo Urban Salinity Implementation Plan

The area south of Boundary Road contains five groundwater bores licensed for stock and domestic supplies and monitoring. The Envirowest preliminary contamination assessment found that stock and domestic bores had water bearing zones from 20 m in gravel and coarse sand. Standing water levels were 19.8 m. Monitoring bores were up to 10 m deep and installed to monitor unconfined groundwater. The standing water level in one bore was 8.6 m and was not encountered in two.

Figure 7 shows the Hydrogeological Landscapes across the subject lands. This mapping was undertaken as a component of the Dubbo Urban Salinity Interpretation Project in 2009 which was prepared by Council in association with the Department of Primary Industries. The main aim of this project was to provide a greater level of understanding of the impact of water movement across Dubbo on the various characteristics of the landscape.

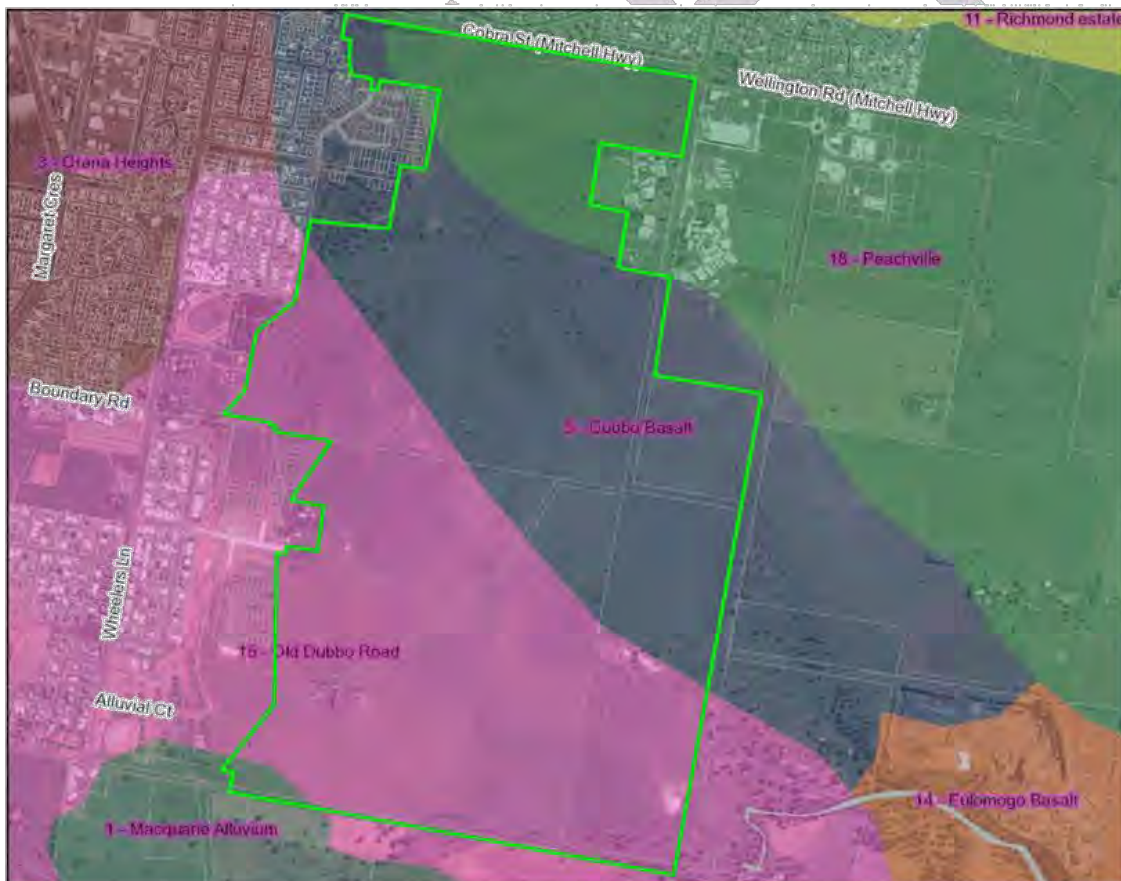


Figure 7: Hydrogeological Landscapes

Figure 8 as provided below shows the overall groundwater vulnerability of the subject lands as contained in the DLEP. This shows the majority of the site to have a moderately high groundwater vulnerability classification. This effectively means that residential subdivision should consider the impacts of recharge on groundwater health.

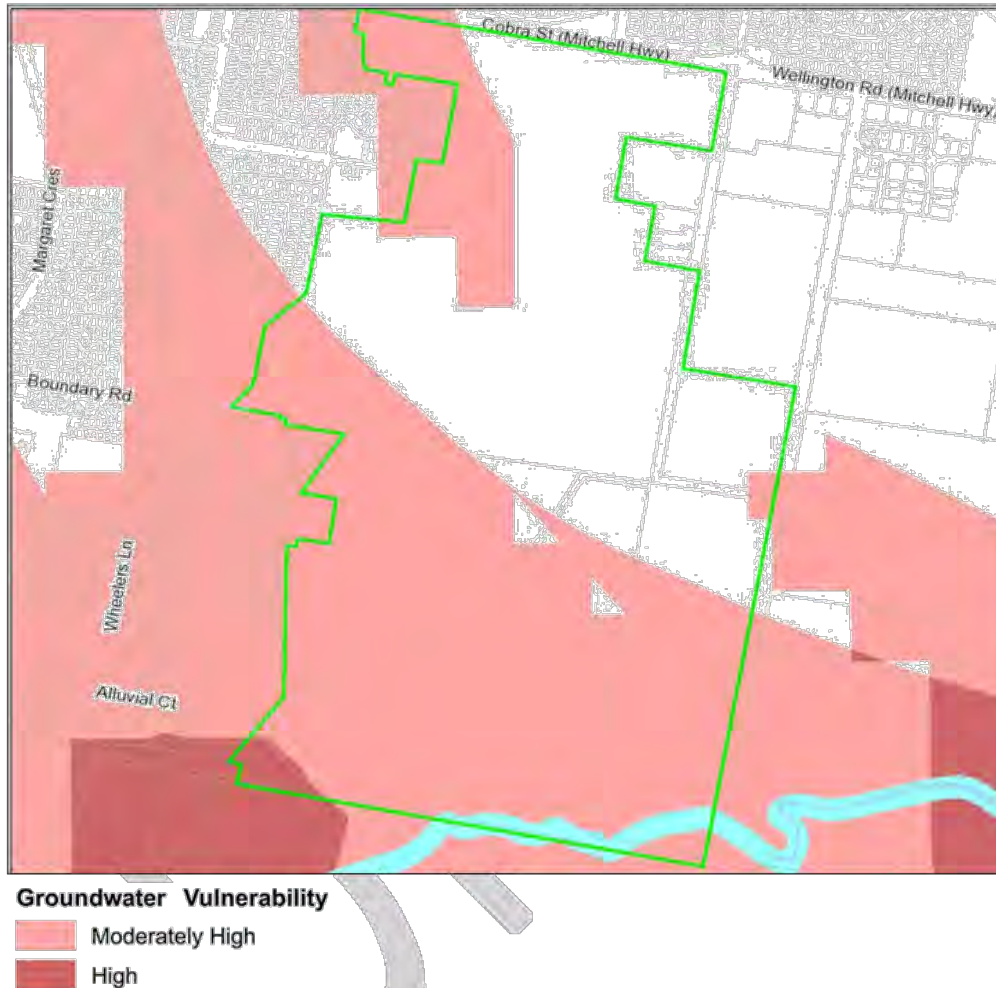


Figure 8: Dubbo Local Environmental Plan 2011 – Natural Resource – Groundwater Vulnerability Map

5.4 Soil Classification and Type

The site is within the Bunglegumbie and Wongarbon Soil Landscape (Murphy et al. 1998). Bunglegumbie landscape consists of red-brown earths comprising dark brown, sandy loam topsoil with bleached silty loam to reddish-brown, medium clay subsoil. Red earths comprise dark reddish-brown loamy sands over a reddish-brown, fine sandy clay loam. The soil has a moderate fertility and generally low erodibility. Soil in the Wongarbon Soil Landscape (Murphy et al. 1998) consists of Euchrozems and red and brown crack clays. The soil has a moderate to high fertility and a moderate to high erodibility.

Soils in the Dubbo Basalt HGL are moderately fertile, generally thin, friable and have a high water-holding capacity with moderate shrink-swell potential. Surface flow from this HGL contributes saline flows to the Troy Creek constriction HGL and throughout the catchment, increasing the significant salinity damage. The landscape provides fresh water run-off as an important dilutions flow source.

5.5 Contamination

A preliminary contamination assessment of the Hillview land was completed by Envirowest Consulting. The levels of all substances evaluated in the contamination assessment were below the Environment Protection Authority investigation threshold for residential and recreational land use, concluding that no contamination was found. Several stockpiles consisting of soil, timber and trace general refuse were located across the site. The stockpiles are an amenity hazard and will require removal followed by an assessment of the stockpile footprint. The investigation concluded that the site is suitable for residential and recreational activities.

A number of contamination investigations have been carried out in respect of the Keswick Residential Estate. The results of these investigations will be further considered as a component of Stage 2 of the structure planning process.

5.6 Slope and Terrain

The subject lands have a gently undulating topography with the land generally sloping towards the south. The site has several raised rocky outcrops located in the eastern and northern section of the site. The site drops off in the south-eastern corner of the site to a wet drainage area at Eulomogo Creek. The site contains two small dams relating to previous agricultural activities.

The site has provided two dominant movements of water through the landscape.

The white lines as shown in Figure 9 show the dominant water movement through the land with the movements following natural drainage patterns through the land.

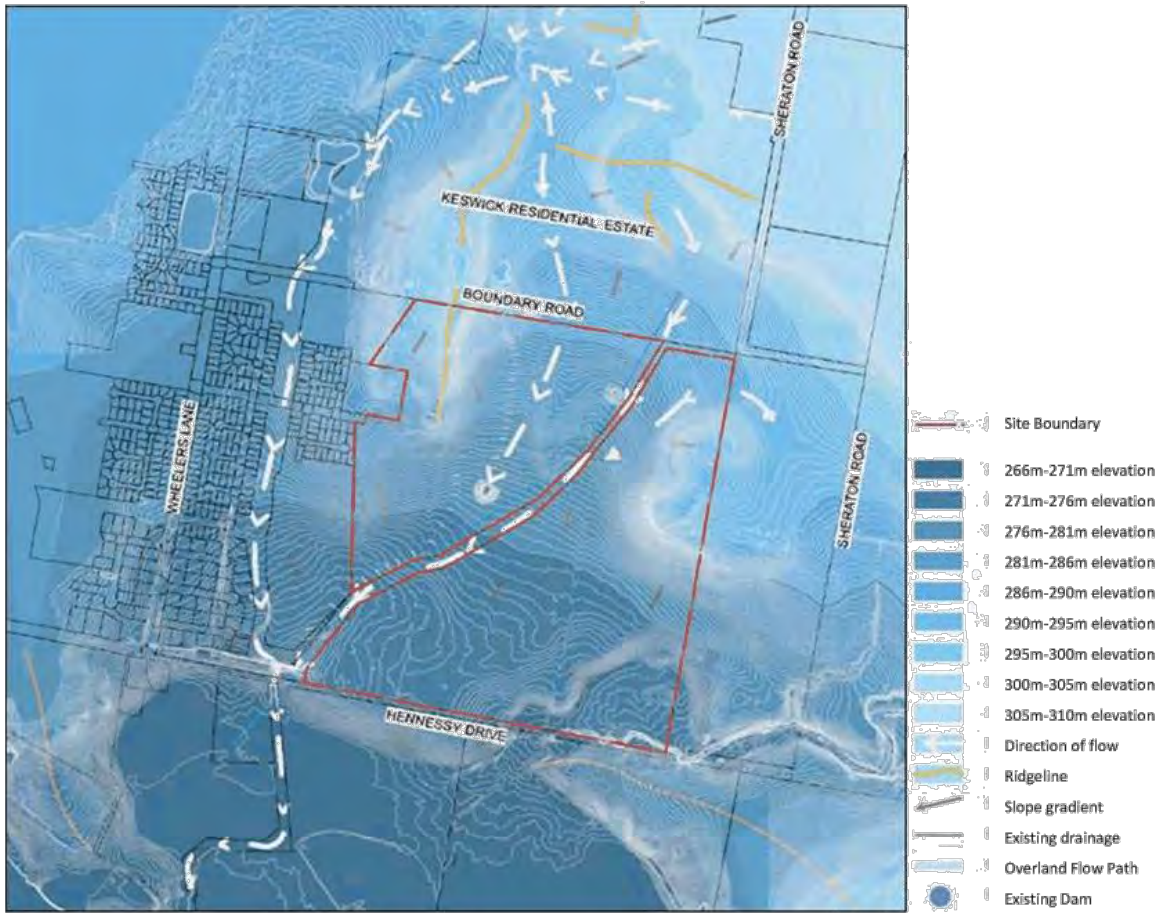


Figure 9: Stormwater and topography map

5.7 Flooding

Consultants Cardno have undertaken a Flood Investigation for Eulomogo Creek to determine the location and extent of the 1% flood level across the land. The Cardno Flood Investigation found the south-eastern corner of the area to be subject to flooding. The impacted area is subject to 1 in 100 year flood events reaching depths of 1.7 m with velocity ranging from 0.1 to 1.5 m/s (higher velocities were recorded closer to the Macquarie River). The extent of the 1% flood event will guide the location of urban development in this area of the land.



Figure 10: Flooding Map

5.8 Aboriginal and European Heritage

An Aboriginal Archaeological Assessment for the area south of Boundary Road was undertaken by OzArk in 2015. The Assessment was unable to locate a previously recorded AHIMS site 'K-OS-4' due to extensive grass coverage. However, the land contains an open artefact scatter of 50 to 100 stone artefacts within a 240 m x 50 m area at the southern boundary of the area, which is shown in Figure 11.

The extent and location of the site will be required to be further considered at the rezoning and/or development stage.

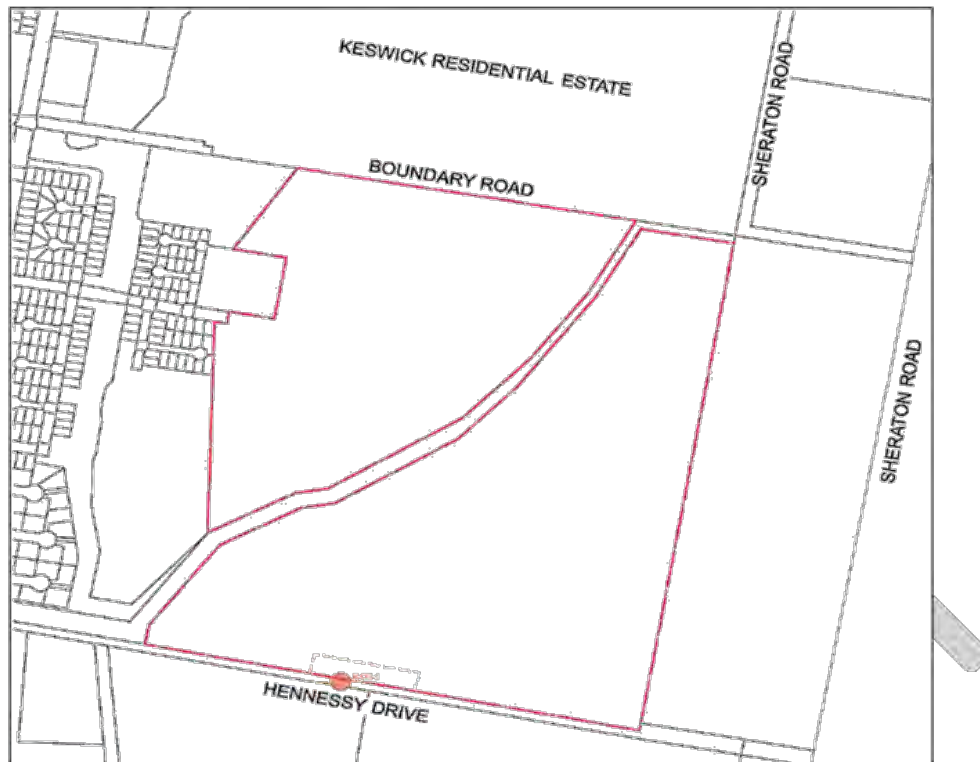


Figure 11: Location of K-OS-4

In the area north of Boundary Road, several items of archaeological significance were identified including scar trees, remnants of a farmhouse and a well as shown in Figure 12.

The extent and location of the sites and other items will be required to be further considered at the rezoning and/or development stage in accordance with State Government legislation.



- LEGEND**
- Existing Tracks
 - Site Boundary
 - Scoured Trees
 - Stock Pit/ Rubbish
 - House Remains
 - Concrete Communication Banker
 - Well
 - Existing Powerline & Power Pylon Location

Figure 12: Items of archaeological significance

5.10 Acoustic

Acoustic analysis was prepared by Environmental Resources Management (ERM) Australia to identify the noise emissions produced by the neighbouring quarry located approximately 1,000 m east of the subject site boundary.

The location of the Boral Quarry in the south-east of the City and its acoustic impacts in addition to Eulomogo Creek and the southern distributor form the urban edge of the City.

Any further extractive industries in this area of the City are not encouraged as they are likely to be incompatible with the status and role of the area as a Residential Urban Release Area.

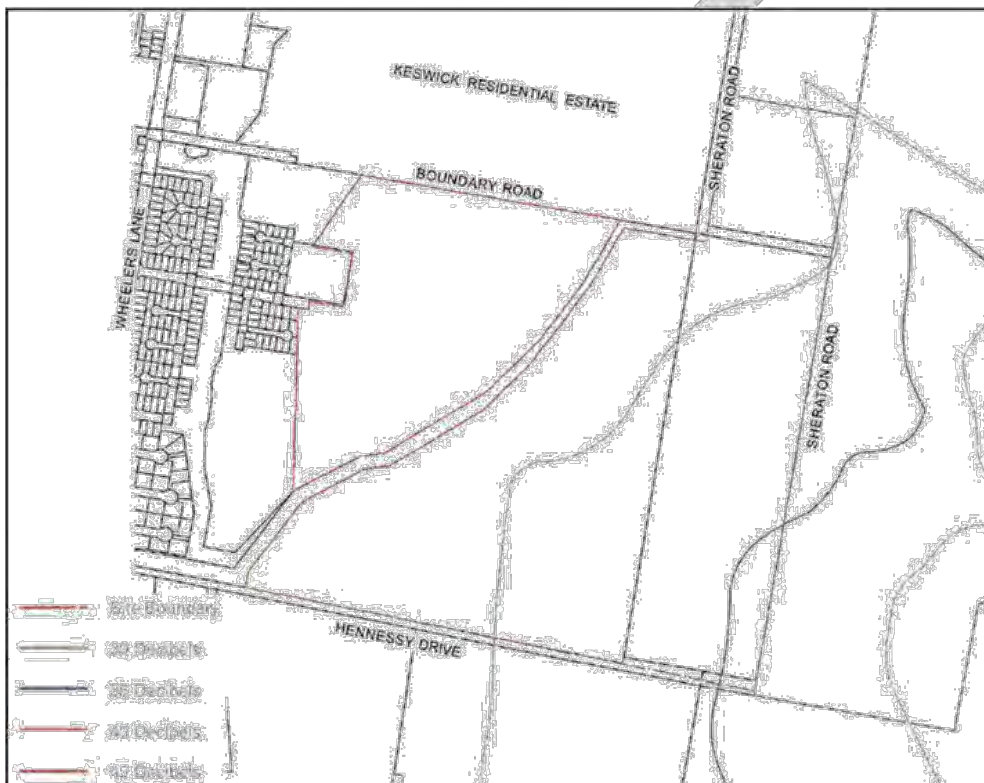


Figure 13: Acoustic Analysis Map

5.11 Biodiversity

An Ecological Assessment of the area south of Boundary Road by OzArk identified the former condition of the Hillview lands (Southlakes Estate) of cleared woodland being completely cleared, ploughed and disturbed with only a few remaining isolated trees as a result of intensive and continuous grazing. Native tussock grasslands prevail within the site however the long term viability of the community has been compromised by routine agricultural activities and stockpiling, which prevents it from recovering to a Pre-European state. It is noted that Eulomogo Creek, which provides connectivity to the Macquarie River, is in poor condition.

The area north of Boundary Road contains a significant area mapped as high biodiversity in the DLEP containing pockets of Fuzzy Box, Grey Box, White Box, Yellow Box and Blakely Red Gum. In addition, nesting sites and foraging areas for the vulnerable Grey Crowned Babbler were also identified along the north-western boundary of the site. This is a constraint to development in the immediate areas.

Figure 15 shows a detailed analysis of the Keswick Estate lands. Of particular reference is the area shown in red. This area of the site has been shown to contain a remnant area of Fuzzy Box Woodland Endangered Ecological Community. Future management of this land will be required to carefully consider the legislative responsibilities associated with Endangered Ecological Communities and a suitable development regime.

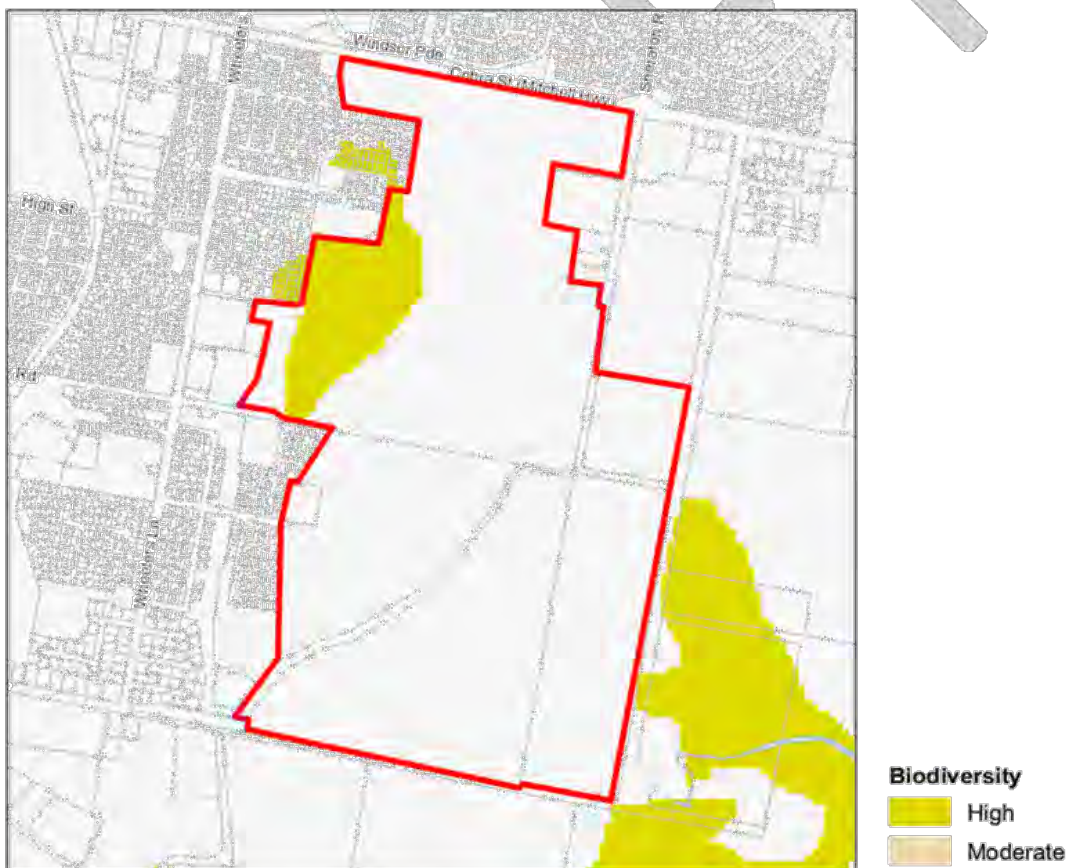


Figure 14: Dubbo Local Environmental Plan 2011 – Natural Resource – Biodiversity Map

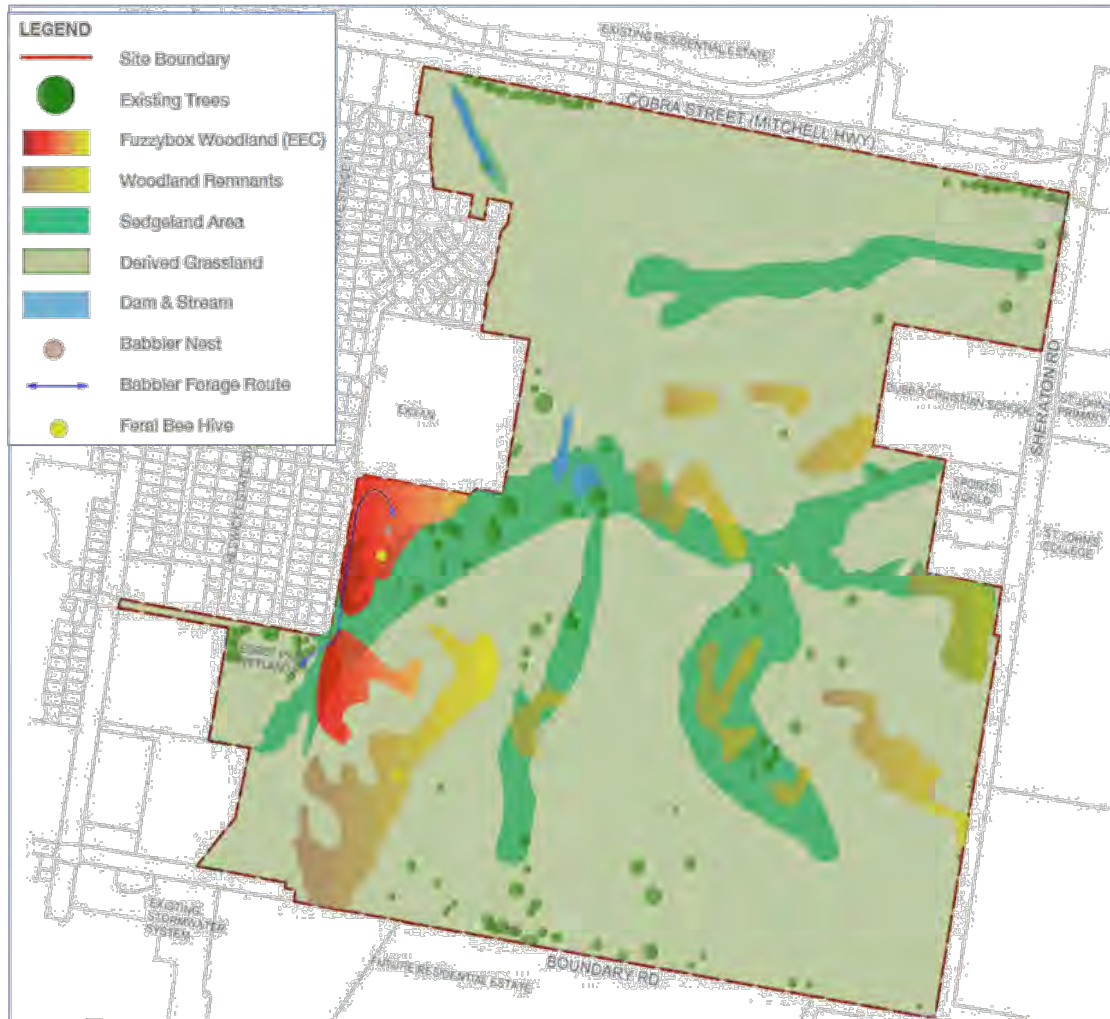


Figure 15: Ecological Analysis Map – Keswick Residential Estate

5.12 Surrounding Land Use Context

The South-East Dubbo Residential Urban Release Area has been identified as the last ‘greenfield’ land in Dubbo, suitable for residential use east of the Macquarie River. Figure 16 provides a broad overview of the surrounding land use context.

Land to the south of the Urban Release Area is dominated by agricultural uses and is zoned RU2 Rural Landscape and RU1 Primary Production under the provisions of the Dubbo Local Environmental Plan 2011. Land to the east of the Urban Release Area is zoned RE2 Private Recreation, which acts as a buffer to the IN3 Heavy Industrial area and an existing hard rock quarry to the east. In addition, the Blueridge Business Park is situated to the north-east of the Urban Release Area, which includes land zoned B5 Business Development and B7 Business Park allowing for a range of bulky goods, warehousing, office and light industrial uses. Key components of the Blueridge Estate Master Plan have been incorporated into Figure 16 to indicate how the land may be developed in the future.

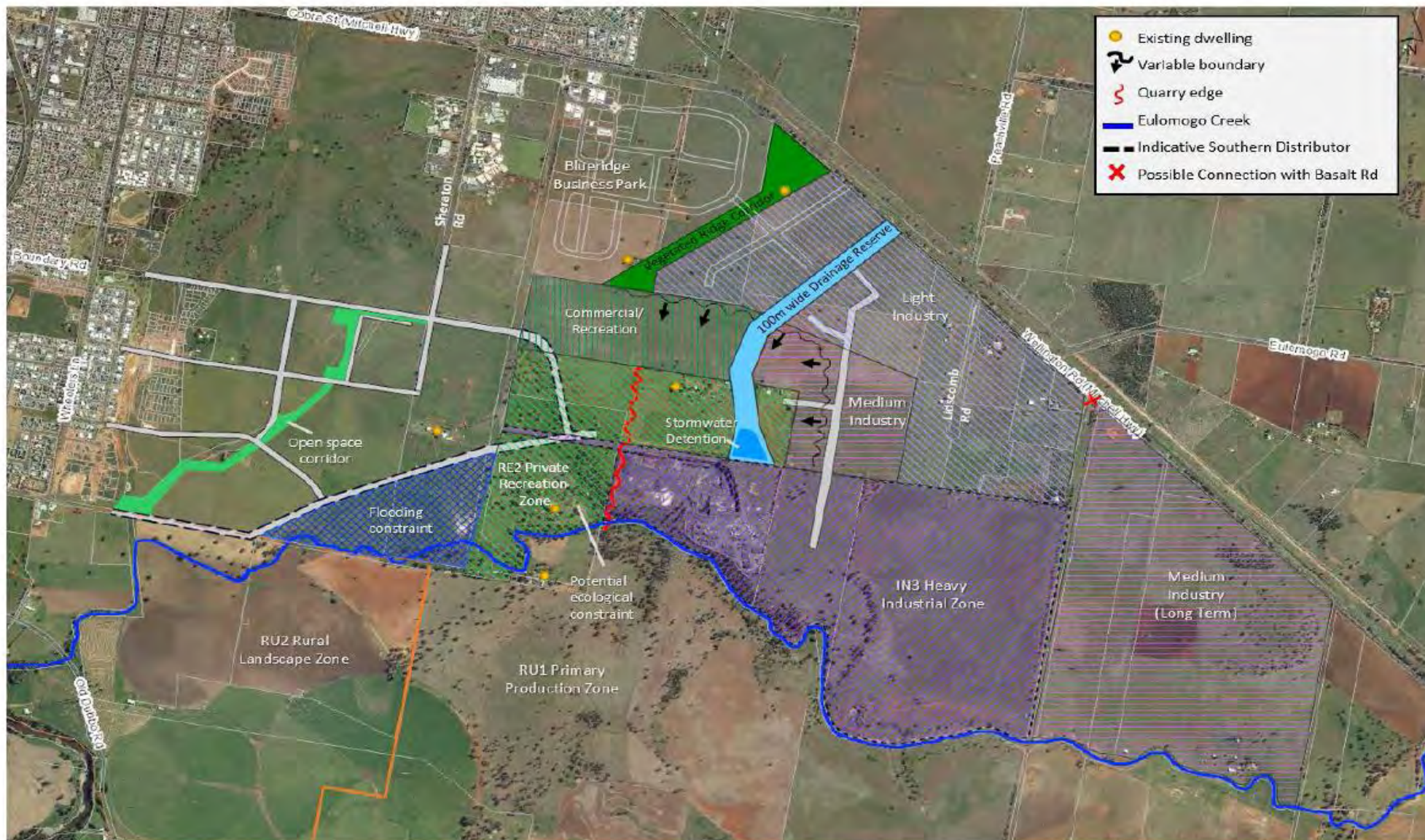


Figure 16: Surrounding land use constraints and opportunities

6. Strategic Residential Growth Principles

6.1 Strategic Objectives

The South-East Dubbo Residential Urban Release Area is the last 'greenfield' land in Dubbo, suitable for residential use east of the Macquarie River. This role and status of the South-East Dubbo Residential Urban Release Area will drive residential development opportunities in south-east Dubbo and add effectively to the housing stock

There will be an increased need for further housing diversity and housing choice in this area of the City and across Dubbo more generally. This will enable a variety of housing options at different price points in the Dubbo housing market.

There will be an increased need for public transport, extended pedestrian and cycle paths throughout the area to connect to the Orana Mall Marketplace to the north, the Tracker Riley Cycleway, the Macquarie River and the Taronga Western Plains Zoo to the south-west and more generally the future neighbourhood shopping centre adjacent to Boundary Road. The subject land will also have an important relationship and connections to the schools situated on Sheraton Road and the Blueridge Estate.

The subject area includes the provision of land which could be used for the purposes of a neighbourhood shopping centre. Any neighbourhood shopping centre would only be of a scale which would service residential development in the precinct and limited servicing of adjacent development in the immediate locality.

The objectives, strategies and actions to achieve the vision have been included below in the following key elements:

- Desired future character and urban form;
- Neighbourhood Centre development;
- Land Subdivision;
- Open Space and recreation;
- Access and Movement;
- Infrastructure; and
- Environment.

The following section of the Structure Plan provides guiding strategic growth principles for each key element of the Structure Plan.

6.2 Desired Future Character and Urban Form

Objective Statement

Housing will be diverse in size and form, be of a sufficient quality to meet a number of price points in the Dubbo housing market and be provided in a suitable quantity to guarantee a continuation of supply.

Statement of Rationale

Traditionally, the Dubbo housing market has centred upon the provision of housing allotments to accommodate second homes without the required importance being placed on first homes and associated housing flexibility for all members of the community.

The South-East Dubbo Residential Urban Release Area can accommodate some 2,075 allotments, which based on the projected household size of 2.3 by 2026 could accommodate 4,772 people. It will be important to ensure the future population of some 48,150 by 2026 (KPMG mid scenario, 2012) can be accommodated across a number of formats.

A decrease in household size will place further pressure on the provision of appropriate housing stock across a range of price points, formats and locations.

The strategic residential growth principles aim to ensure a variety of housing stock can be provided at a number of price points in the Dubbo housing market.

Strategic Residential Growth Principles

1. Higher density residential development is encouraged at key locations in the Estate that ensure residents will have a high level of access to public transport, facilities, services and amenity;
2. Seniors housing is encouraged to be provided in locations and formats that provide for integration with residential neighbourhoods, areas of public open space and neighbourhood centre development;
3. Dual occupancy development is encouraged and promoted on land with an area greater than 900 m² and a frontage of greater than 17 m;
4. Dual occupancy development is specifically suited and encouraged as an efficient and effective urban design outcome for corner lots which allows each unit to have a separate frontage and address to a different street;
5. Small format and small lot housing in the R1 General Residential zone should be provided with a zero lot line on one side boundary to encourage design quality and protect the amenity of residents;
6. Council will prepare a Residential Design Guide for the use of the Dubbo Development Industry that will encourage site-responsive design and variety of housing offer;
7. Where applicable and practicable, the provision of shop top housing is encouraged as a mechanism to further activate residential and commercial lands and add further variability in development types; and
8. Small format and integrated housing is encouraged where it can adequately mix with residential neighbourhoods and actively encourage social inclusion.

6.3 Neighbourhood Centre Development

Objective Statement

Neighbourhood centre development meets the everyday needs of residents in the area and the immediate locality and is situated in the centre of a catchment population that can have a number of ways to access the centre including walking, cycling, private car or public transport.

Statement of Rationale

It is considered that the level of future residential development in this area of Dubbo may necessitate the future provision of a neighbourhood shopping centre. This centre should meet the level of daily needs of

residents and facilitate access by a variety of methods including walking, cycling, by private car and by public transport.

Any neighbourhood centre in this location should only be of a local scale with limitations placed on the floor area of any shop to ensure parity with the Delroy Neighbourhood Shopping Centre in west Dubbo. The Structure Plan provides specific strategic residential growth principles that will require any future planning proposal to rezone land for commercial purposes to include a detailed economic analysis which will assess the impact of providing commercial development in this location and size configuration on the Central Business District, the Orana Mall Marketplace and other neighbourhood shopping centres.

This category of neighbourhood shopping centre in Dubbo does not currently exist in the retail hierarchy as defined in the Dubbo Commercial Areas Development Strategy.

Strategic Residential Growth Principles

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

6.4 Land Subdivision

Objective Statement

Land is subdivided into allotment sizes and shapes that provide variety and interest to the streetscape whilst ensuring integrated neighbourhoods are created with opportunities for a mixture of housing type and design.

Statement of Rationale

Effective and efficient land subdivision is situated at the centre of well-connected and legible neighbourhoods. Effective and efficient land subdivision should provide variance in lot size and dimension which in turn facilitates variation in housing type, style and price point.

The design and layout of a new neighbourhood sets the nature of the urban form. A well-planned neighbourhood:

- Sets the urban character and design of the area;
- Provides the footprint for public spaces that allows for social interaction;
- Defines access and movement networks that will encourage active transport; and
- Identifies land for a range of uses, eg shops, community centres, parks, and enables a community to meet most of their daily needs within walking or cycling distance of home.

It is also important to ensure land subdivisions are designed in a manner as to provide an appropriate level of connectivity to focus points and to encourage general ease of access throughout the subdivision. A

measure of the connectivity of a subdivision is the Internal Connectivity Index or ICI. The ICI is calculated by the number of street links divided by the number of street nodes. A street link is a segment of road between two intersections or from an intersection to a cul-de-sac, including road segments leading from the adjoining highway network or adjacent development. A node is an intersection or the end of a cul-de-sac, but does not include the end of a stub-out at the property line or intersection with the adjoining highway network. The higher the internal connectivity index, the more connected the roadway network. ICI examples are provided in Figures 17 and 18.

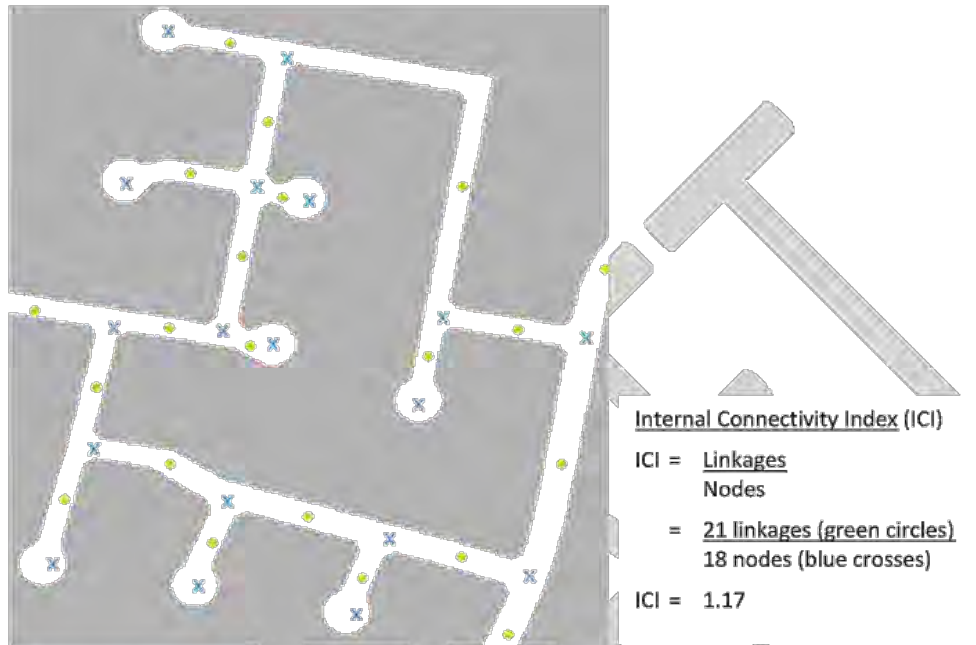


Figure 17: Poor ICI Ratio



Figure 18: Good ICI Ratio

This Structure Plan aims to ensure any land subdivision is consistent with the principles of the modified grid and introduces the internal connectivity index as a subdivision planning and design tool to aid the Dubbo development industry and the community in explaining the relative merits of subdivision planning and design.

Strategic Residential Growth Principles

13. Residential subdivision establishes a clear urban structure and hierarchy that promotes the creation of active neighbourhoods and encourages alternative forms of transport.
14. The natural attributes of the land should be used and reinforced in subdivision design through the placement of visible key landmark features such as parks and other focal points.
15. The natural topography of the land shall be used in the design of residential subdivision. The natural site topography is an important design feature to add variation and interest to residential neighbourhoods.
16. Residential subdivision shall optimise outlook and proximity to public and community facilities.
17. Residential allotments shall be provided with a range of lot frontages which actively promotes streetscape variance and allow variation in the size and style of residential housing.
18. Any residential subdivision should comply with the minimum internal connectivity index score of 1.3.
19. Residential development shall not be provided backing on to areas of open space and should be separated by a road or other key access point *unless the development provides a suitable level of access to open space areas in accordance with the requirements of Western Plains Regional Council, has open and transparent fencing and promotes living areas fronting open space.*

6.5 Open Space and Recreation

Objective Statement

Public open space is visible and located for ease of use by the community for the purposes of walking, cycling and other recreating.

Statement of Rationale

The former Dubbo City Council adopted the Dubbo City Park and Open Space System Master Plan in 2009. This Master Plan provides strategies for the future development of the Dubbo open space system.

The Master Plan identifies ready access to open space and recreation facilities as a key feature of the character of Dubbo. The Plan provides a quantitative and spatial analysis of the current and future demand for open space compared to current supply. The Master Plan also provides recommendations for developing and expanding the green web to support current and future populations.

In respect to the subject lands, the Master Plan provides for the embellishment of land situated in the Hillview lands (Southlakes Estate) to be used for the purposes of a pedestrian walkway and cycleway to link through to the Tracker Riley Cycleway and ultimately the Taronga Western Plains Zoo. This land will also fulfil a stormwater drainage function. The precise location of this land may be subject to alteration based on maintenance of future stormwater drainage functions and subdivision design.

The Master Plan also includes the further embellishment of the remnant Fuzzy Box Woodland Endangered Ecological Community in the Keswick Estate.

Strategic Residential Growth Principles

20. Any embellishment of current or future lands for the purposes of public open space over and above the requirements of the Dubbo Section 94 Contributions Plan-Open Space and Recreation Facilities shall be at the cost of the developer.
21. Any developer undertaking embellishment in accordance with Strategic Growth Principle 20 shall be required to enter into an appropriate agreement/s with Council in respect of long term maintenance.
22. Public access and movement shall be maintained across and throughout areas of public open space.
23. In any situation where an allotment may have one of its boundaries to public open space, any fencing of this boundary shall be of an open and transparent nature.
24. The pedestrian and cycleway shall maintain legibility and ease of access to promote safe walking and cycling.

6.6 Access and Movement

Objective Statement

An access and movement system is provided that allows for the safe and efficient movement of pedestrians, cyclists and vehicular traffic through the subject lands and achieves an effective integration with the surrounding current and future road network.

Statement of Rationale

The subject lands are situated in an area of Dubbo which is projected to undergo considerable residential growth in the next 10 years. With this growth comes the need to provide a safe and efficient access and movement system for pedestrians, cyclists and vehicular traffic.

At the core of this access and movement system in this area and the overall City is the construction of the southern distributor which will effectively link with Macquarie Street through the existing alignment of part of Hennessy Road and also link through to the Mitchell Highway in the east. The indicative location of the southern distributor and its relationship with the land is shown in Figure 19.

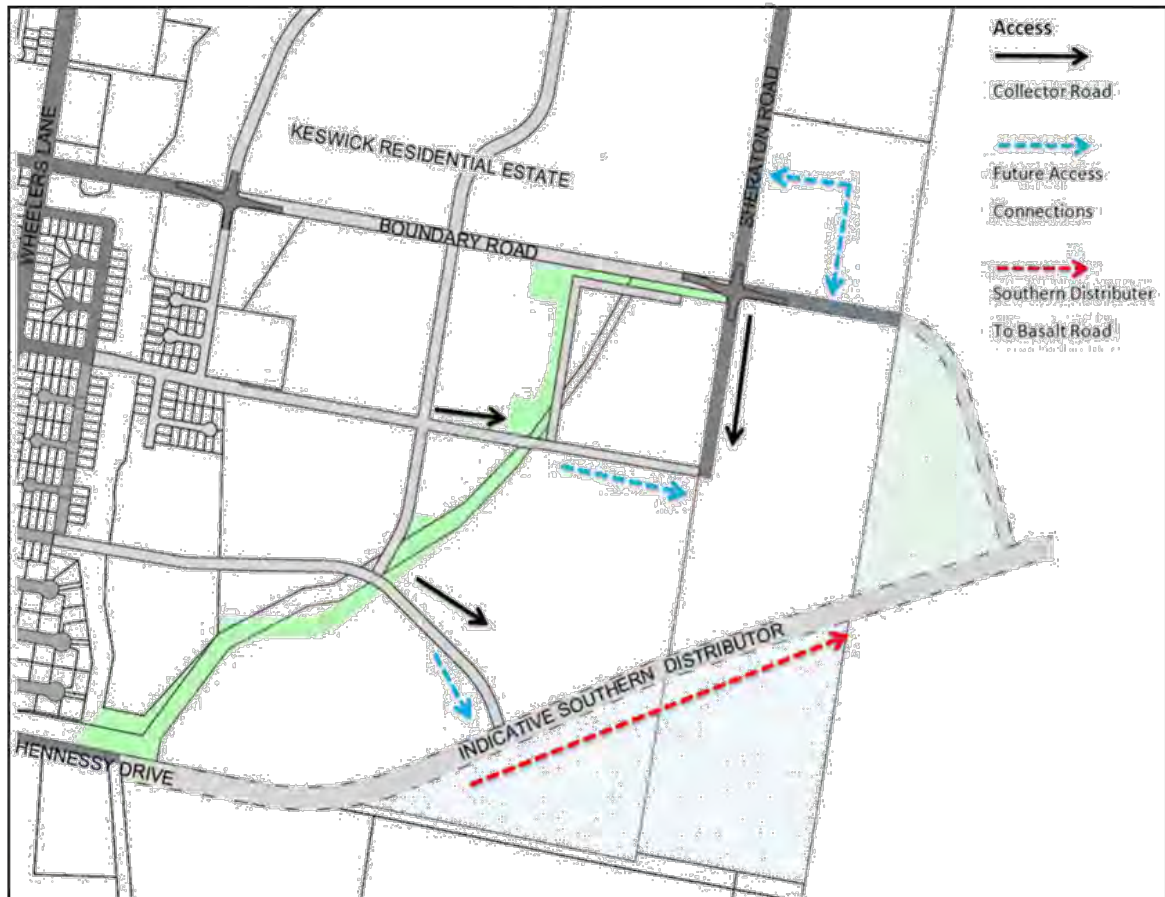


Figure 19: Access and Movement Map

The indicative location of the Southern Distributor and its relationship with the subject land has been guided in part by the level of the 1% Flood Event in the Eulomogo Creek to the south as can also be seen in Figure 19.

Subject to appropriate traffic impact assessment modelling as deemed suitable by Council, access to the southern distributor could be available from an extension of Argyle Avenue and the extension of Boundary Road to the east.

Boundary Road also separates the subject land from east to west. At the current time Boundary Road has not been constructed from Wheeler Lane to the east. Boundary Road is proposed to be constructed through

to an intersection with Sheraton Road to join the Southern Distributor to the east of the residential lands. There is proposed to be two direct connections from Boundary Road into both Keswick residential estate and the Southlakes Estate lands.

In respect of the Southlakes Estate, Azure Avenue and Argyle Avenue are proposed to continue from west to east to undertake the function of major collector roads through the Estate.

An appropriate intersection treatment will be required at the intersection of Sheraton Road with Boundary Road and a new road to the south that will provide access into the R5 Large Lot Residential zoned land to the east. This land will also have access through an extension of Azure Avenue.

The land situated on the north-east corner of Boundary Road and Sheraton Road, which will provide for the development of 2,000 m² lots will have the ability for two separate access points which will allow access to the land from both Boundary Road and Sheraton Road. However, both access points will be required to be provided at a location considered to be a suitable distance from the future Boundary Road and Sheraton Road intersection.

Strategic Residential Growth Principles

26. New growth areas have a variety of destinations within walking or cycling distance and the density of residential development supports the provision of required infrastructure.
27. A movement network is created and maintained that provides for an interconnected cycling/walking path network and a coordinated network of streets with bicycle lanes that allows the safe interaction and movement for all road users.
28. Major public transport access is provided throughout the land including connections to the Dubbo Central Business District (CBD).
29. A hierarchy of interconnected streets is established that gives safe, convenient and clear access points within and beyond individual subdivisions in the subject area.
30. The design of access and movement systems in the area ensures environmental impacts associated with groundwater and salinity are avoided or minimised.
31. The access and movement system shall ensure the design of future subdivisions provides for energy efficient lot layouts and building orientation.
32. Dubbo is maintained as a '10 Minute City'.

6.7 Infrastructure

Objective Statement

Regular urban infrastructure including gravity sewerage, reticulated water and stormwater is economically provided to the subject lands, with fair and equitable costs borne by the relevant developer/s.

Statement of Rationale

Gravity Sewerage

Gravity sewerage can be adequately extended to meet the requirements of development to be undertaken in Keswick Estate. Gravity sewerage can 'in principle' be extended to service future development of the Southlakes Estate on Lot 12 DP 1207280, No. 32 Azure Avenue, Dubbo and Lot 399 DP 1199356, Boundary Road, Dubbo.

Further investigation will be required to be undertaken to ascertain how the lands situated on Sheraton Road can be economically conducted to Council's existing gravity sewerage infrastructure.

Reticulated Water

Reticulated water can be adequately extended to meet the requirements of development to be undertaken in Keswick Estate. Reticulated water can 'in principle' be extended to service the eastern side of the Southlakes Estate.

Reticulated water will be required to be extended at the cost of the developer to service residential subdivision situated on Sheraton Road.

Stormwater

Consultants Cardno prepared the Keswick Drainage Review in 2010 (Report No. W4823-1). Stormwater management for the land covered by this Structure Plan needs to be in accordance with this adopted drainage review.



Figure 20: Servicing Constraints

Strategic Residential Growth Principles

33. Based on the information included in Figure 20, the balance of the Hillview land (Southlakes Estate) shall only be developed to the location as shown in Figure 20. Land situated in the Stage 2 Structure Plan area will require the preparation of an infrastructure and servicing strategy for the overall land area.
34. The Infrastructure and Servicing Strategy referred to in Principle 33 above shall be prepared by the owners of the subject lands.
35. The Cardno Keswick Drainage Review, August 2010 (Report No. W4823-1) is the adopted strategy for the provision of stormwater infrastructure to service the subject lands. Any developer seeking a variance to the regime included in the Strategy shall be required to prepare an independent stormwater drainage strategy that can detail how the projected stormwater volumes can be managed on the subject lands and through to receiving waters. Council is under no specific requirement to approve any alternative stormwater drainage strategy.
36. Any future site-specific Development Control Plan for the Southlakes lands shall be required to include a detailed section providing overall infrastructure principles and information explaining how residential development is proposed to be serviced in accordance with Council's adopted Policies, plans and practices.

6.8 Environment

Objective Statement

The natural environment is maintained or improved so as to sustain a high level of environmental quality and minimise the negative impacts of development on the environment.

Statement of Rationale

The subject lands contain known areas of threatened species, including endangered ecological communities and habitat for threatened fauna. Development of the subject land should ensure that impacts on these species are avoided where possible or mitigated where necessary. Development should also seek to respect other features of the natural environment, including topography and the flow of water to the Macquarie River.

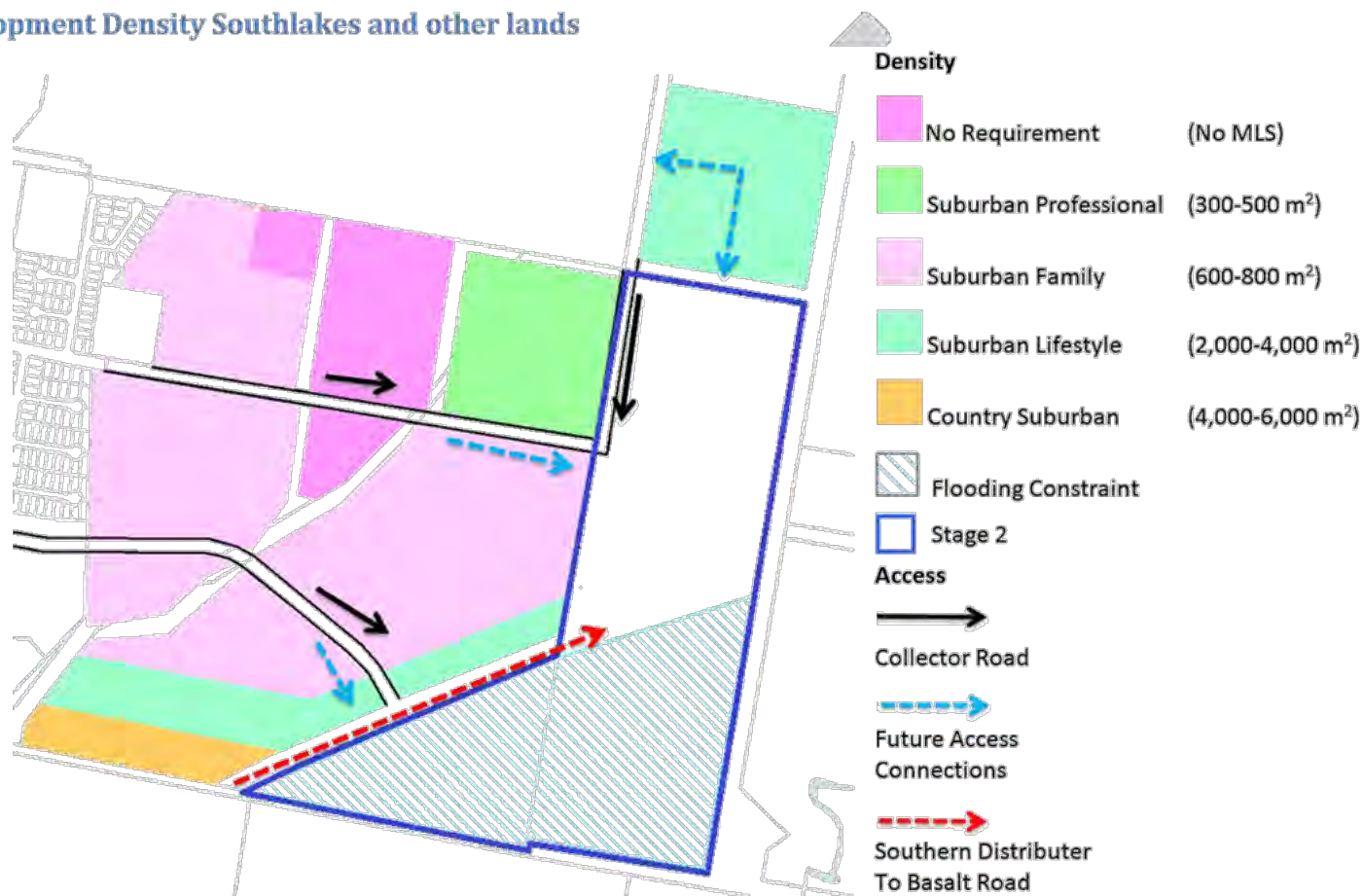
Strategic Residential Growth Principles

37. Land degradation and clearing is minimised and natural assets are maintained or enhanced.
38. Development meets the 'improve or maintain test' by avoiding impacts to areas of high conservation value and providing offsets for unavoidable impacts.
39. Any future development application for subdivision across the subject site will provide a detailed and comprehensive Salinity Study and Salinity and Groundwater Management Plan.
40. The Fuzzy Box Woodland Endangered Ecological Community contained in Keswick shall be protected from development and enhanced with further plantings and an appropriate management and maintenance regime.

6.9 Zoning Southlakes and other lands



6.10 Development Density Southlakes and other lands



7. Staging of Development

As discussed in the Structure Plan, the development of the Southlakes lands should be undertaken under a logical staging regime having regard to the servicing constraints associated with the land.

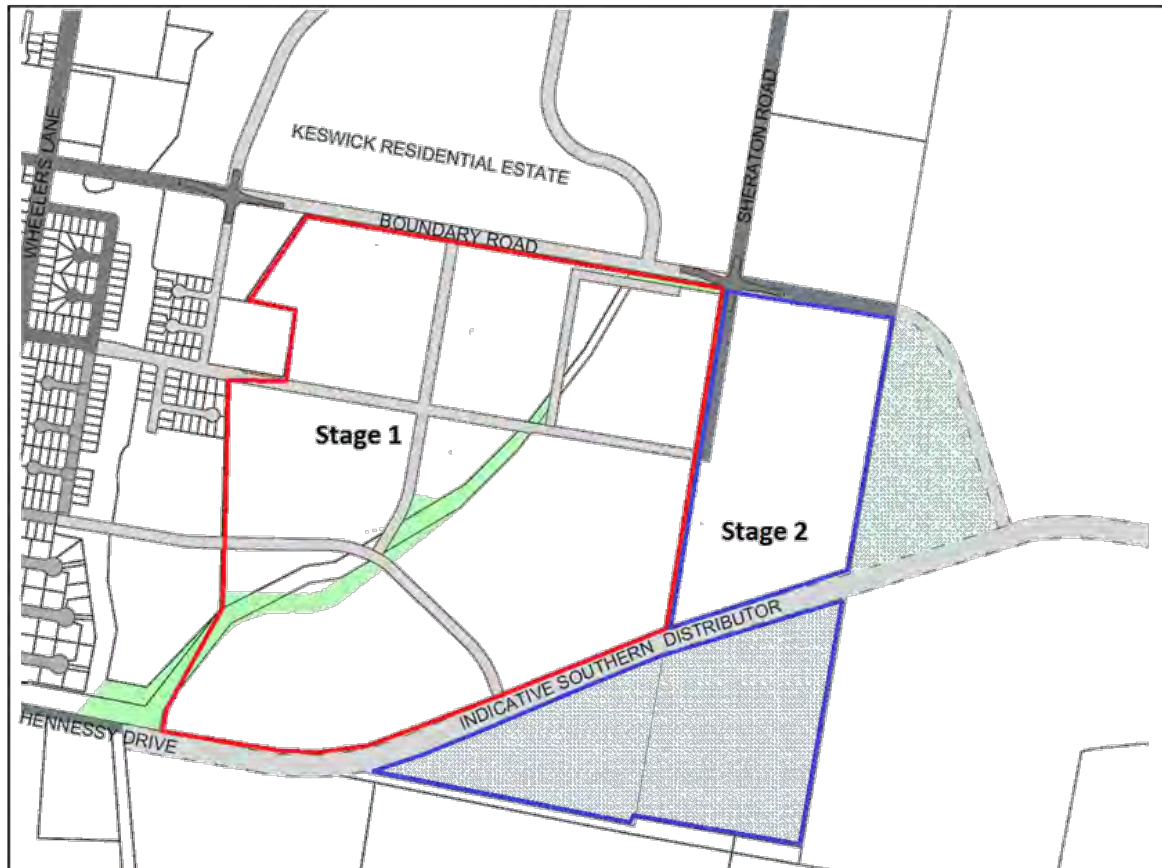


Figure 21: Development staging

8. Monitoring and Review

This Structure Plan will be reviewed by Council from time to time as a result of any proposed change in land use zoning and/or development density in this precinct or any change in the provision of access and movement infrastructure that may impact development of the area as envisaged by this Structure Plan.

It should be noted that any Planning Proposal considered by Council will be required to show consistency with the Strategic Growth Principles as included in the Plan and the indicative land zoning and development density across the area.

If an individual landowner wishes to seek variation to the provisions as contained in this Structure Plan, a formal request to vary the Structure Plan must be provided to Council. This formal request shall include details of the variation, the reasons for and a planning report explaining the proposed variations/s in the context of the overall aim of the Structure Plan. Council will reserve the right to place any requests for variation of this Structure Plan on public display to seek the views of the public and/or seeks the views of State Government Public Agencies in the process.

As previously detailed, this Structure Plan forms part of Stage 1 of the process of facilitating orderly residential and other ancillary development in the South-East Dubbo Residential Release Area and other lands. This Structure Plan has not attempted to arrive at an ideal land use zoning layout and/or development density in respect of Keswick to the north. This work will form a key component of Stage 2 of the South-East Dubbo Structure Planning process.

Stage 2 of the South-East Dubbo Structure Plan will also consider the servicing and other constraints associated with the orderly development of the eastern residue portion of the Hillview lands (Southlakes Estate) and other lands.

10th February 2016
The General Manager
Dubbo City Council
PO Box 81
Dubbo
NSW 2830

Attention Stephen Wallace, Director Environmental Services,

Dear Sir,

We are in receipt of your letter dated 12th January 2015.

1. We presume someone in council decided belatedly to communicate with us as a follow up from our complaint re lack of consultation.
2. We also assumed you had communicated with other stakeholders to the east of us but alas it appears they haven't been consulted either.
3. It is our belief the line of the intended southern road should be located further south than where it is proposed. On the indicative drawing our house will be ridiculously close to a main arterial road that under the current

Proposal will run from the Mitchell Highway to Macquarie St.....Not much point if there is no river crossing available.
4. What has possessed the Strategic Planning Supervisor to suggest that no development should occur south of the proposed ring road is puzzling as there is already development south of the proposed road further to the west.
5. The so called buffer zone on the eastern side of our property makes no sense as the current quarry has a limited life and potential new ones would be considerably to the east of the established quarry.
6. When we purchased the property there was no indication of any ring road being put near or through our place until 2036 at the earliest. Why are the current ill thought through suggestions suddenly appearing? Had we had an inkling of this change we wouldn't have done the development that we have.
7. Mr Jenkins contention that the thoughts of council were public knowledge on display in 2012 showed a lack of empathy or practical understanding about community consultation as he obviously knew who we were by his labelling our land RINGLAND but didn't see fit to give any notice to the above named landholders whilst acknowledging lengthy consultation with our western neighbour.
8. We chose to live in this beautiful part of Dubbo because although there is the quarry traffic during the day it is remarkably peaceful when they are not running.

We have developed our place to raise cattle and breed horses and obviously our quiet enjoyment of life is going to be severely impacted.

9. We understand Dubbo has to develop and acknowledge that sometimes individuals will be affected for what is necessary for the whole community.

However this example of so called strategic planning appears to be poorly thought through and ridiculously inadequately communicated and we would respectfully suggest that future attempts be more personally Communicated.

Yours Faithfully

David and Heather Ringland

24R Sheraton Rd

Dubbo



RECEIVED
12 FEB 2016
By *[Signature]*

1st Floor, 62 Wingewarra Street
PO Box 1842
DUBBO NSW 2830
02 6884 1525
02 6884 1470

dubbo@geolyse.com
geolyse.com

Our Ref: 114135_LEO_005_Response to Draft Structure Plan

12 February 2016

The General Manager
Dubbo City Council
PO Box 81
Dubbo NSW 2830

2577
1976
15 FEB 2016
[Signature]

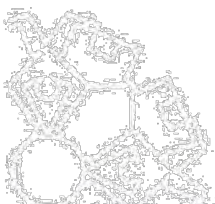
ATTENTION: MR MARK RILEY

RESPONSE TO DRAFT STRUCTURE PLAN – SOUTHEAST URBAN RELEASE AREA (LOT 399 DP 1199356 & LOT 2 DP 880413)

We refer to the above matter and advise that we act on behalf of the property owner Maas Group Properties No 2 Pty Ltd (Maas) of Lot 399 in DP 1199356. We also act on behalf of the property owner Mr D Ringland (Ringland) of Lot 2 DP 880413. These respective land parcels are shown below.



Figure 1: Aerial View of Maas (outlined blue) and Ringland (outlined red) land parcels (Source: <http://maps.six.nsw.gov.au/>)



• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture





To suitably inform the Draft Structure Plan (Plan) the landowners have combined their concept intentions for residential development of their land and request this submission is considered having regard to the following:

1. Maas and Ringland are the primary owners of the land affected by the Plan; and
2. Maas are actively delivering residential land within Dubbo and the anticipated development delivery programme for their land is to:
 - a. Provide a residential estate consistent with the masterplan and zoning of the existing Southlakes Estate
 - b. Builds onto existing infrastructure as development progresses east in an efficient and cost effective manner.
 - c. Continues to provide opportunities for varied housing product across the estate over the life of the release area.
 - d. Utilise all land in the most suitable, efficient and effective manner.
3. Maas have commissioned detailed site analysis reports to inform their development intentions for their land and
4. Ringland intends to provide residential development which continues to 'build onto' and is generally consistent with that of future residential development to the east up to the eastern property boundary.
5. Maas and Ringland understand the need for a future Southern Distributor but this infrastructure should not set a boundary for the future development of land, noting the suitability of land to the south of the Southern Distributor for large lot residential development.

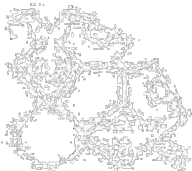
We provide the following concept Master Plan which includes the subject land and illustrates how this land could be developed (refer Attachment 1).

In this respect we seek the following amendments be made to the Plan to facilitate orderly and economic use and development of the land:

- ✘ **That the staging image within item 7 of the Plan be deleted so as to avoid confusion** and allow the whole of the property to be developed as one continuous development over time in a logical progression having regard to the servicing constraints associated with the land.

In this regard we acknowledge the servicing constraints of the land and confirm that a Servicing Strategy for the whole site is nearing completion and **has been prepared by our Civil and Hydraulic Engineers with regard to the submitted site assessment reports** and will be submitted with the future Planning Proposal for the land.

- ✘ **As detailed upon the attached Plan, that the Plan incorporate additional R1 zoned dispersed 'salt and peppered' across the site and along the drainage corridor to:**
 - ☐ Enable the developer to provide flexibility in housing product over time.
 - ☐ Allow the developer to meet the market now and in the future.





- Provide a residential character consistent with that of the existing Southlakes Estate by extending the existing residential estate to the east

That the Plan be amended to provide R2 and R5 residential development upon larger lot sizes south of the future 'Southern Distributor'

It is evident through analysis of flood constraint of Eulomogo Creek and the indicative location of the 'Southern Distributor' that sufficient developable land exists in the southern portion of each lot for residential development. Figure 10 of the Plan clearly identifies the land not constrained by the 1% flood event and the discussion under heading '5.7 Flooding' of the Plan identifies:

The extent of the 1% flood event will guide the location of urban development in this area of the land.

Maas and Ringland have always been under the assumption that this land is intended for future residential development as illustrated upon current and past supporting maps of the LEP and subject to consideration of the flooding constraint of Eulomogo Creek. The introduction in recent years of the 'Southern Distributor' should not quarantine land to its south.

Maas and Ringland envisage the development of this land would be generally consistent with established residential development along the southern side of Henessy Drive comprised of dwellings sited upon larger allotments provided with building envelopes above the flood hazard and retaining the private ownership and management of the flood plain.

That the Plan delete Figure 6.11 Development Density Hillview and other lands as it is unclear what is being sought by this additional density layer and how this interacts with future development standards and controls of the site. We request development density and typologies be left to those prescribed and defined by the LEP.

Notwithstanding the above request and to assist Council in understanding the development intentions for the land we have provided indicative allotment sizes, catchments, across the land. This desired allotment range would:

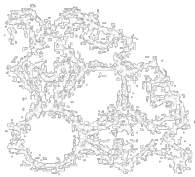
- ensure a range of housing products are available to the market at any one time
- assist in reducing the risk to the Dubbo housing market in contrast to providing a homogenous residential estate
- extend the Southlakes estate character to the east

That the Plan exclude the requirement for compliance with a minimum Internal Connectivity Index (ICI), in particular the deletion of Strategic Residential Growth Principle 18. As detailed upon the attached Plan the future development intent is to expand on the residential estate model of Southlakes.

That the Plan delete Strategic Growth Principle 19 to allow residential development to back onto areas of open space and not require separation between use areas by a roadway.

Again we confirm the development intent of such lots would be to expand on the subdivision model of the Southlakes Estate and refer you to the Concept Master Plan provided at Attachment A which would provide for:

- A 30 metre wide drainage and recreation corridor landscaped consistent with the Southlakes Estate





- ⊗ Direct access to the open space corridor is provided at various locations along the corridor through future commercial zoned land, residential zoned land, internal roadways and at the major Road crossing areas of Azure Avenue and Argyle Avenue;
- ⊗ An extensive cycle and pedestrian path network along the corridor connecting the northern boundary of the Estate to its southern boundary and providing a direct connection to the pathways and cycleways of the developed Southlakes Estate and those adjoining to the west.
- ⊗ Private residential land adjoining public open space areas are able to be fenced in in open and transparent fencing and landscaping. In this regard boundaries adjoining open space need to be fenced to identify the common boundary and to restrict the access of domestic animals to the open space and to maintain the security of those properties.

Particular attention is drawn to the Plans Strategic Growth Principle 23 which requires fencing to public open space being of open and transparent nature. We believe this is consistent with that provided within the existing Southlakes Estate and one which would be replicated.

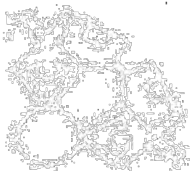
- ⊗ That the Plan delete Strategic Growth Principle 3 to allow dual occupancy development to be consistent with that of the LEP and design provisions of the current DCP being 600m² having regard to private open space, setbacks, streetscape etc.
- ⊗ That the Plan delete Strategic Residential Growth Principle 6 requiring Councils preparation of a Residential Design Guide for the use of the Dubbo Development Industry that will encourage site-responsive design and a variety of housing offer. It is not clear whether this needs to occur prior to development occurring on the property. The existing development requirements of the Dubbo DCP and *State Environmental Planning Policy (Exempt and Complying Codes) 2008* along with other applicable planning policies and guides are considered sufficient to provide for suitable development within Dubbo.

We thank Council for this opportunity to provide comment upon the Plan and we look forward to future consultation with Council.

Yours faithfully
Geolyse Pty Ltd

STEVEN GUY
Senior Town Planner

Attachment 1 - Plan Numbered 114135_09D_Concept Master Plan, prepared by Geolyse Pty Ltd





- NOTES**
1. INFORMATION SHOWN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY
 2. AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY
- DENOTES B1 - NEIGHBOURHOOD CENTRE
 - DENOTES R1 - GENERAL RESIDENTIAL LAND ZONE
 - DENOTES R2 - LOW DENSITY RESIDENTIAL LAND ZONE
 - DENOTES RE - PUBLIC RECREATION
 - DENOTES R3 - LARGE LOT RESIDENTIAL LAND ZONE
- INDICATIVE DECORATIVE LANE

GEOLYSE
 DUBBO
 141 W. ROAD
 271 500 2439
 271 500 2439
 271 500 2439
 www.geolyse.com

REV	DATE	DTD	APPRO	DETAILS
A	18/07/16	EC	MF	ISSUED TO CLIENT
B	18/07/16	EC	MF	AMENDMENTS & ISSUED TO CLIENT
C	18/07/16	EC	MF	AMENDMENTS & ISSUED TO CLIENT
D	18/07/16	EC	MF	AMENDMENTS & ISSUED TO CLIENT

GRAPHIC SCALE
 SCALE 1:3000 (A1)
 0 50 100 150 200 250 300
 SCALE 1:5000 (A3)
 0 50 100 150 200 250 300
DO NOT SCALE FROM THESE DIMENSIONS. ALL MEASUREMENTS SHALL BE CONFIRMED ON SITE AND WITH SURVEYOR CITY LTD. PRIOR TO CONSTRUCTION.

'SOUTHLAKES' ESTATE MASTER PLAN

DUBBO CITY COUNCIL

MAAS GROUP PROPERTIES No. 2 PTY LTD

CONCEPT MASTER PLAN		
PROJECT NUMBER: 114136	DRAWING FILE: 114136_000_T1P01.dwg	REV: A1
SUBJECT:		09D
IMAGE SOURCE:		
STATUS: FOR REVIEW	SHEET: T1P01 OF T1P01	



Our previous submission dated 12 February 2016 included representation on behalf of the adjoining landowner to the east Mr and Mrs Ringland of Lot 2 DP 880413. These comments have been made with the consent of Mr and Mrs Ringland however they no longer form part of our submission upon the Draft Structure Plan until such time as servicing constraints have been determined for their land.

We understand Mr and Mrs Ringlands concerns regarding the Draft Structure Plan remain, however they would now make their own formal representation to Council under separate cover.

To suitably inform the Draft Structure Plan (Plan) Maas have prepared concept intentions for the residential development of their land and request this submission is considered having regard to the following:

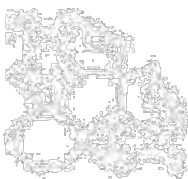
1. Maas is a large land owner of the land affected by the Plan; and
2. Maas are actively delivering residential land within Dubbo and the anticipated development delivery programme for their land is to:
 - a. Provide a residential estate consistent with the masterplan and zoning of the existing Southlakes Estate;
 - b. Builds onto existing infrastructure as development progresses east in an efficient and cost effective manner;
 - c. Continues to provide opportunities for varied housing product across the estate over the life of the release area;
 - d. Utilise all land in the most suitable, efficient and effective manner.
3. Maas have commissioned detailed site analysis reports to inform future development of this land. These reports confirm the suitability of the site for residential development as intended by Maas.
4. Maas understand the need for a future Southern Distributor but this infrastructure should not set a boundary for the future residential development of land south of this 'indicative' corridor, noting the suitability of land to the south of the Southern Distributor for large lot residential development.

We provide the following Concept Master Plan (plan numbered 114135_13A_D002) which includes the subject land and illustrates how this land could be developed (refer Attachment 1).

In this respect we seek the following amendments be made to the Plan to facilitate orderly and economic use and development of the land:

- **That the staging image within item 7 of the Plan be deleted so as to avoid confusion and allow the whole of the property to be developed generally consistent with that described within the attached Servicing Strategy (Attachment 1) prepared by Geolyse Pty Ltd, generally consisting of continuous development over time in a logical progression;**

In this regard we acknowledge the servicing constraints and confirm that a Servicing Strategy for Lot 399 has been prepared by our Civil and Hydraulic Engineers with regard to the submitted site assessment reports and would also form part of any future Planning Proposal for the land.





- As detailed upon the attached Plan, that the Plan incorporate additional R1 zoned dispersed 'salt and peppered' across the site and along the drainage corridor to:

 - o Enable the developer to provide flexibility in housing product over time;
 - o Allow the developer to meet the market now and in the future;
 - o Provide a residential character consistent with that of the existing Southlakes Estate by extending the existing residential estate to the east;

The dispersed R1 zoned land is desired to create higher density residential land adjacent to or within close proximity to public recreation land, cycle ways, walkways, and drainage reserves and in an effort to provide a more effective road network and flexible subdivision layout than that achieved if it were developed as a homogenous R2 low density housing estate.

This is consistent with that approved and zoned within Southlakes to the west and would further replicate the success of the liveability and character of this land.

It is anticipated that future development would generally be a combination of single and two storey residential dwelling development with opportunities for higher development heights being provided upon larger R1 zoned sites. Development intended upon R1 zoned sites would provide for the following types of housing:

1. Traditional medium density (multi dwelling housing) development upon larger land areas generally in the form of attached 2 bedroom single storey dwellings approximately 4 to 6 dwellings long.
2. Small lot housing (attached and semi-detached dwellings) development upon small to medium land areas, generally where divided by through roads and drainage corridors and in the form of attached and detached dwellings with minimal private curtilage upon local through roads.
3. Integrated house and land development (Multi dwelling housing, attached dwellings, semi-detached dwellings, and dwellings) with private roads, open space and community facilities upon larger land areas.

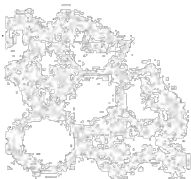
Examples of concept development designs have been compiled to give Council an understanding of the general form and style of development anticipated for the R1 zone and are provided at Attachment 2.

- o **That the Plan be amended to provide R2 and R5 residential development upon larger lot sizes south of the future 'Southern Distributor'.**

It is evident through analysis of flood constraint of Eulomogo Creek and the indicative location of the 'Southern Distributor' that sufficient developable land exists in the southern portion of each lot for residential development. Figure 10 of the Plan clearly identifies the land not constrained by the 1% flood event and the discussion under heading '5.7 Flooding' of the Plan identifies:

"...The extent of the 1% flood event will guide the location of urban development in this area of the land."

Maas have always been under the assumption that this land is intended for future residential development as illustrated upon current and past supporting maps of the LEP and subject to consideration of the flooding constraint of Eulomogo Creek. The introduction in recent years of the 'Southern Distributor' should not quarantine land to its south.





Maas envisage the development of this land would be generally consistent with established residential development along the southern side of Henessy Drive comprised of dwellings sited upon larger allotments provided with building envelopes above the flood hazard and retaining the private ownership and management of the flood plain.

We understand Council Staff require further time to understand both the location and service status of the Southern Distributor together with detailed servicing requirements for land south of the Southern Distributor and in this respect we accept deferment of this element of the strategy to allow these matters to be considered in due course.

- ☐ **That the Plan delete Figure 6.11 Development Density Hillview and other lands** as it is unclear what is being sought by this additional density layer and how this interacts with future development standards and controls of the site. We request development density and typologies be left to those prescribed and defined by the LEP.

Notwithstanding the above request and to assist Council in understanding the development intentions for the land we have provided indicative allotment sizes 'catchments' across the land. This desired allotment range would:

- ensure a range of housing products are available to the market at any one time;
- assist in reducing the risk to the Dubbo housing market in contrast to providing a homogenous residential estate;
- extend the Southlakes Estate character to the east;

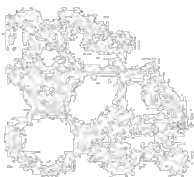
These catchments have been designed to radiate out as influenced by the proposed servicing strategy and road layout with the future Southern Distributor providing the geographical buffer between the R1 and R2 residential estate and that of larger residential and agricultural land to the south.

This approach is consistent with the lot size and zoning regime already provided within the existing Southlakes Estate and in particular that provided along Henessy Drive to the west.

- ☐ **That the Plan Amend Strategic Growth Principle 19** to allow residential development to back onto areas of open space and not solely require separation between use areas by a roadway.

Again we confirm the development intent of such lots would be to expand on the subdivision model of the Southlakes Estate and refer you to the Concept Master Plan provided at Attachment 1 which would provide for:

- A 30 metre wide drainage and recreation corridor landscaped consistent with the Southlakes Estate;
- Direct access to the open space corridor would provided at various locations along the corridor through future commercial zoned land, residential zoned land, required drainage corridors for stormwater and sewer main connection, internal roadways and at the major road crossing areas of Azure Avenue and Argyle Avenue;
- An extensive cycle and pedestrian path network along the corridor connecting the northern boundary of the Estate to its southern boundary and providing a direct connection to the pathways and cycle ways of the developed Southlakes Estate and those adjoining to the west.
- Private residential land adjoining public open space areas are able to be fenced in in open and transparent fencing and landscaping. In this regard boundaries adjoining open space need to be suitably fenced to integrate with proposed landscaping, identify and delineate the common boundary, to restrict the access of domestic animals to the open space and to maintain the security of those private properties which adjoin the





reserve.

Particular attention is drawn to the Plans Strategic Growth Principle 23 which requires fencing to public open space being of open and transparent nature. We believe this is consistent with that provided within the existing Southlakes Estate and one which would be replicated.

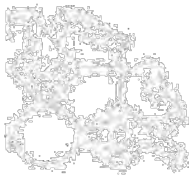
- ☛ That the Plan amend Strategic Growth Principle 3 to allow dual occupancy development to be consistent with that of the LEP and design provisions of the current DCP being 600 m² and that all future development should have regard to suitable useable private open space, sufficient boundary setbacks, and acceptable streetscape character impacts etc.
- ☛ We note the Plans Strategic Residential Growth Principle 6 requires Councils preparation of a Residential Design Guide for the use of the Dubbo Development Industry that will encourage site-responsive design and a variety of housing offer. It is not clear whether this needs to occur prior to development occurring on the property. The existing development requirements of the Dubbo DCP and *State Environmental Planning Policy (Exempt and Complying Codes) 2008* along with other applicable planning policies and guides are considered sufficient to provide for suitable development within Dubbo and would be concerned if this guide creates additional complexity and confusion with the development of land.

We thank Council for this opportunity to provide comment upon the Plan and we look forward to future consultation with Council.

Yours faithfully
Geolyse Pty Ltd

STEVEN GUY
Senior Town Planner

Attachment 1: - Concept Master Plan and Servicing Strategy prepared by Geolyse Pty Ltd;
Attachment 2: - Example concept designs provided by Maas Group Pty Ltd



Sent: Tuesday, 1 March 2016 5:45 PM
To: DCC Mailbox
Subject: Ringland Draft Structure Plan Submission

The General Manager

Further to our previous correspondence...

We are primary landholders of the land affected by the Draft Structure Plan;

We see the development intention of our land as providing residential development which would 'build onto' future residential development of the west as it progresses from Southlakes Estate;

We now understand the need for a Southern Distributer but this infrastructure should not set a boundary for the development of the land;

The following points are of concern for our property:

- . Development should provide a gradual progression in lot size and residential development that builds onto the Southlakes Estate to the west;
- . limitations for low density development should have regard to the servicing constraints of the land and be generally consistent with that of land immediately adjoining our land to the west.
- . The future road extensions of Boundary Road to / and the Southern Distributer should be used as a geographical boundary between land uses (i.e. residential, rural, extractive industries) to contain typical low density residential development in this area.

Having regard to the above we oppose the Draft Structure plans indication that land south of the Southern Distributer be zone RU2 Rural Landscape (figure under heading 6.9) as this land is currently zoned for residential development and that our land should be more appropriately zoned for low density residential development.

We are also concerned by what is meant by the figure under heading 6.11 of the Draft Structure Plan 'Development Density Hillview and Other Lands', in particular the illustrated transition between Suburban Professional, Suburban Transition and Suburban Buffer. In particular what densities are

Envisaged in these areas by the Draft Structure Plan and will they be a gradual progression from the Residential lot sizes in the west.

We can confirm that we understand that all future residential development would be required to Understand and accommodate environmental constraint areas e.g. flood constraints of Eulomogo Creek, Ground Salinity and acoustic impacts from extractive industries and the Southern Distributer.

Regards

David and Heather Ringland

24R Sheraton Rd
Dubbo



DOC16/59101
ED16/825

Mr Stephen Wallace
Director Environmental Services
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Mr Wallace

Draft South-east Dubbo Structure Plan

Thank you for your letter, dated 12 January 2016, seeking comment from the Office of Environment and Heritage (OEH) on the draft South-east Dubbo structure plan.

OEH has reviewed the draft South-east Dubbo Structure Plan and Council report and are aware that the subject sites contain high biodiversity values and cultural and historic heritage values.

Biodiversity

OEH notes that the Keswick site contains a remnant area of Fuzzy Box Woodland Endangered Ecological community and nesting sites and foraging areas for the vulnerable Grey Crowned Babbler. Page 27 of the structure plan states *"the Fuzzy Box Woodland Endangered Ecological Community contained in Keswick shall be protected from development and enhanced with further plantings and an appropriate management and maintenance regime."* OEH is also strongly supportive of the implementation of appropriate environmental zonings to areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2-E4 and W1-W2 to provide as much protection as possible to biodiversity and ecological communities. OEH recommends that areas identified as having high biodiversity values be zoned as E2 to provide long term protection of these areas.

Cultural Heritage

OEH notes that the subject sites contain a number of trees identified as scarred trees. Aboriginal objects, places and areas are protected across all land tenure under the *National Parks and Wildlife Act 1974*. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage.

PO Box 2111 Dubbo NSW 2830
Level 1, 48-52 Wingewarra Street Dubbo NSW 2830
Tel: (02) 6883 5330 Fax: (02) 6884 8675
ABN 30 841 387 271
www.environment.nsw.gov.au

Provisions to facilitate the strategic conservation of Aboriginal cultural heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.

We strongly recommend that Councils develop planning strategies that result in the avoidance of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.

In addition please refer to Attachment A which includes our generic recommendations for local government strategic planning. Council should ensure that those matters within Attachment A which are relevant to the rezoning proposal have been appropriately addressed.

If additional information relating to the proposal indicates that areas within OEH responsibilities require further investigation, we may provide future input. Should you require further information, please contact Michelle Howarth, Conservation Planning Officer on (02) 6883 5339.

Yours sincerely



LIZ MAZZER
A/Senior Team Leader Planning North West
Regional Operations Group

5th February 2016

Contact officer: MICHELLE HOWARTH
02 6883 5339

ATTACHMENT A**Office of Environment and Heritage (North West Branch) general advice
for local government strategic planning 2013****BIODIVERSITY VALUES**

Rural settlement intensification can have significant impacts on biodiversity. Development will have short and long-term negative impacts on biodiversity. These negative impacts are caused by activities such as:

- the clearing of house and building sites
- the disturbance caused by infrastructure (such as new roads, fence lines, dams and access to utilities), and
- the construction of asset protection zones for statutory fire protection.

The cumulative effect of multiple subdivisions will magnify these substantial impacts on biodiversity. These impacts are not regulated by the *NSW Native Vegetation Act 2003* (NV Act).

There is also a need to recognise climate change as a severe and wide ranging threat to biodiversity in NSW. Rising temperatures and sea-levels, changed rainfall and fire regimes will affect biodiversity in complex and often unpredictable ways. As a result of climate change, current threats to biodiversity, including habitat loss, weeds, pest animals and drought, are expected to intensify.

In many cases, existing approaches to biodiversity conservation (protection of intact vegetation, species recovery, mitigation of current threats and revegetation and restoration activities) will form the basis of adaptation programs to address the impacts of climate change. Reducing existing threats to biodiversity, such as habitat loss, pests and weeds is the most effective option for enabling species to adapt to climate change (at least in the short term) as this will increase the capacity of species to persist in their current locations and form the base from which migration can occur.

Council has the responsibility to control the location and, to a degree, development standards of settlement and other land use intensification. Local Environmental Plans (LEPs) can be used to avoid settlement and development in Environmentally Sensitive Areas (ESAs) including areas of remnant native vegetation.

The S117 Directions (*Environmental Planning and Assessment Act 1979*) require that Councils in preparing a new LEP must include provisions that facilitate the protection and conservation of ESAs. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the LGA, as afforded by the current LEP.

As a matter of priority the OEH recommends six actions be taken by Councils when developing new LEPs. These will address the S117 Directions, and protect biodiversity from growth, development and associated pressures and changes:

1. Implement appropriate Environmental Zonings.
2. Avoid development in remnant native vegetation.
3. Establish large minimum lot sizes.
4. Conduct comprehensive environmental studies if areas of high environmental sensitivity occur in sites where there is a strong imperative to intensify land use.
5. Include a biodiversity overlay and clauses within the LEP.
6. Define biodiversity protection and management measures in Development Control Plans.

1. Implement appropriate Environmental Zonings

The zone, E1 'National Parks and Nature Reserves', should be applied to all of the OEH estate within the LGA. We also encourage Councils to apply other environmental and water ways zones in appropriate areas.

The E1 zoning is intended to apply to all lands acquired under the *National Parks and Wildlife Act 1974* (NP&W Act), and therefore is not limited to only the 'National Park' and 'Nature Reserve' classifications.

OEH is also strongly supportive of the implementation of appropriate environmental zonings to other areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2-E4 and W1-W2 to provide as much protection as possible to biodiversity and ecological communities. Specific advice regarding the use of these zones is included in Practice Note previously forwarded to Council.

In particular, we advocate the application of the E2 zone to areas of private or Crown lands that are presently managed primarily for conservation (such as crown reserves or areas under conservation covenants).

We also recommend that Travelling Stock Reserves (TSRs) with known conservation values are included in E3 zones at a minimum, although E2 zoning would be preferred. Mapping of TSRs, including identified conservation values, is available via the Grassy Box Woodlands Conservation Management Network. This mapping can be accessed via <http://gbwcmn.net.au/node/6>.

2. Avoid development in remnant native vegetation

- Council, through the Land Use Strategy and LEP, can protect biodiversity by avoiding development such as settlement and other land use intensification, in areas of remnant native vegetation.
- Development should be directed to areas that have already been cleared, unless such areas have been identified as having environmental importance (eg targeted by a Catchment Management Authority for revegetation to improve regional connectivity).

Avoiding development in areas of native vegetation will contribute to the achievement of Catchment and State biodiversity targets.

Settlement should also be avoided in locations that are likely to be targeted for investment by the Catchment Management Authority (CMA). Landholders in such areas may receive incentive funding for protection and enhancement of native vegetation or revegetation of cleared areas.

OEH will not support strategic land use recommendations or LEP provisions that allow further settlement opportunities in these areas, particularly if Council assumes that ongoing management could be effectively controlled by complex DCP rules.

To assist, the best available mapping of remnant native vegetation has been supplied to Council as part of an interagency package of Environmentally Sensitive Area (ESA) mapping and associated Technical and Practice Notes to help Council identify areas where further settlement intensification should not be allowed. At the broad strategic level, these maps can be used to identify areas that are most likely to be free from significant land, water or biodiversity constraints, therefore more suited to development.

Excluding remnant native vegetation from development pressure on private land could be largely achieved by retaining such areas on relatively large holdings, within RU1 and RU2 zones for example. This would also allow the CMA approval processes, under the *Native Vegetation Act 2003*, to be applied.

Similarly, higher density settlement in 'fire prone' locations should be avoided in the first instance. Where residential areas abut native vegetation there is pressure for the required Asset Protection Zones and other hazard management measures to encroach on that vegetation, particularly where adequate existing cleared land has not been retained to fulfil that role.

Avoiding settlement in remnant native vegetation is also likely to avoid bushfire prone lands and protect any Aboriginal cultural heritage that may remain in such areas.

3. Establish large minimum lot size limits

Minimum lot size limits should be large in RU1 and RU2 zones as well as environmentally sensitive areas. This will reduce the pressures of development and settlement on biodiversity in rural lands.

Minimum lot size limits can be used to reduce the pressures of development and settlement on biodiversity. The LEP should define realistically large minimum lot size limits with associated dwelling provisions to control the intensity of development and settlement.

In particular, Council needs to ensure that minimum lot sizes in environmentally sensitive areas are of an appropriately large size to control the cumulative impact of any development and settlement intensification permitted in those areas by the LEP.

Council needs to adopt a risk-based approach to this matter. The selected sizes should be designed to meet expectations of rural living while minimising the adverse environmental impacts of any settlement that may occur with the sub division.

If Council is strongly of the opinion that lot sizes need to be reduced then this should not be applied uniformly across the shire with environmentally sensitive areas excluded from such revisions.

4. Conduct targeted environmental studies

Where development in areas of native vegetation or environmentally sensitive areas cannot be avoided, a targeted environmental study should be conducted. This should focus on ensuring a "maintain or improve" outcome for biodiversity.

Where Council is unable to avoid applying zonings or minimum lot sizes which permit essential development intensification in remnant native vegetation, a targeted study should be conducted to investigate the biodiversity values of the area. Any study should determine how potential impacts can be mitigated or, where this is not possible, offset through conservation management of other areas.

This study and any resulting objectives and zonings should aim to ensure a 'maintain or improve' outcome. This is a vital step in the strategic planning process and in effectively addressing the S117 Directions.

5. Include a biodiversity overlay and suitable clauses within the LEP

OEH strongly recommends the use of overlays and associated provisions with the LEP to provide additional protection for biodiversity.

It is particularly important to define assessment and development control provisions for those instances where development or settlement intensification cannot be avoided in remnant native vegetation.

LEPs should include objectives and provisions that require a 'maintain or improve' outcome for native vegetation and threatened species whenever clearing of native vegetation or environmentally sensitive areas cannot be avoided

Overlays can also be used to update any existing 'environmentally sensitive lands' provisions in current LEP and therefore meet the requirements of the S117 Directions to at least maintain existing environmental protection standards.

Importantly, the use of such overlays is consistent with the Department of Planning and Infrastructure (DoPI) Practice Note PN 09-002v (30 April 2009) on environmental zones' which states:

'Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated ('overlay') map.

The benefits of this approach include:

- *The intended conservation or management outcomes for land can be clearly articulated in the LEP.*
- *Areas are clearly defined and controls streamlined.*
- *Sub-zones are not created. (These are not permitted under the standard instrument).*

Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision’.

OEH advocates the inclusion of the environmentally sensitive land overlays developed by the former Departments of Water and Energy, Environment and Climate Change, and Primary Industries (Fisheries). These overlays and clauses have been prepared to provide Council with information on resource assets and environmental constraints and how these assets and constraints should be managed during the assessment of development applications. The use of the environmentally sensitive areas overlays supplied by agencies is now common-place in both exhibited and gazetted LEPs.

The use of these overlays and clauses and how these may affect land uses are outlined in the previously mentioned Practice Note and Technical Note. When implemented in this way the layers and clauses do not exclude development. Rather, they act as a flag for values that may be present at a site. Sites should be checked for these potential values prior to any development approval. If the values are present at the site, the impact should be avoided or, if this is not possible, at the very least minimised and mitigated.

6. Define biodiversity protection and management measures in Development Control Plans

Biodiversity protection and management measures should be defined in Development Control Plans (DCP) for all areas zoned for rural small holdings, residential and other development intensifications.

We view DCPs as a secondary mechanism to provide biodiversity protection and management measures. It is vital that biodiversity values are first considered strategically in zoning decisions and development assessment provisions. We do not consider it acceptable to completely defer consideration of these matters to the DCP stage.

It is also important to consider the threats to remnant native vegetation posed by adjoining land uses.

For example, threats to biodiversity associated with nearby growth and intensification of residential land use include (but are not limited to):

- clearing,
- domestic animals,
- invasive plants,
- effluent and waste dispersion,
- changes in hydrology and hydraulics,
- increasing access due to fire trails and other tracks, and
- firewood collection.

Particular attention should be paid to relevant Key Threatening Processes identified and listed under the TSC Actⁱⁱ. Mechanisms to abate threats to ESAs (such as implementing codes of practice, best management practice, alternative designs and operations, control technology and buffers between remnant vegetation and small holdings) should be considered.

Council should recognise that buffers may be necessary between environmentally sensitive areas and other land uses. The size of the buffer will vary depending on the nature or activity being undertaken and the level of management control required to prevent or minimise adverse impacts. Provisions should be made to rigorously assess any developments within environmentally sensitive areas and adjoining buffers to prohibit land uses and activities that threaten the ecological integrity, values and function of the area.

Some forms of development adjacent to national parks and reserves can impact on their values and should be avoided or restricted. Council should consider how these areas could be buffered from incompatible development and activities so that potential conflicts can be minimised.

The OEH Guidelines for Developments Adjoining OEH Estateⁱⁱⁱ have been designed to assist Councils when they are assessing development on lands adjoining OEH estate. However, the issues identified in these guidelines are also relevant when considering buffers for protection of environmentally sensitive areas.

ABORIGINAL CULTURAL HERITAGE

Land Use Strategies, LEPs and DCPs should aim to identify and protect culturally sensitive areas, rather than relying on site by site development assessment.

Aboriginal objects, places and areas are protected across all land tenure under the *National Parks and Wildlife Act 1974*. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage.

It is clear from the S117 directions and mandatory clauses in the Standard Instrument that DoP supports a **strategic approach** to the protection of Aboriginal cultural heritage. Provisions to facilitate the strategic conservation of Aboriginal cultural and heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.

We strongly recommend that Councils develop planning strategies that result in the **avoidance** of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.

Specifically, it is important to:

- Develop a framework for effective Aboriginal engagement; and
- Identify sensitive and least sensitive areas through:
 - accessing existing Aboriginal site information;
 - cross reference to landscape information;
 - assessment of areas of potential development/settlement intensification;
 - use of the Department's search tools;
 - reports from previous studies.
 - Aboriginal knowledge; and by
 - Undertaking site surveys to ground truth assumptions.

We offer the following advice to aid Council efforts in adequately addressing Aboriginal cultural heritage assessment and protection within strategic planning documents and environmental planning instruments:

1. The Aboriginal Heritage Information Management System

Councils should contact the OEH to seek access to the Aboriginal Heritage Information Management System (AHIMS) prior to the drafting of any new Land Use Strategy or LEP. AHIMS is the State register of known Aboriginal site locations. A data licence agreement between the OEH and Council can be prepared on application. Information about obtaining a data licence is available on the OEH website^v. Alternatively, the AHIMS Registrar can be contacted by phone on (02) 9585 6513 or (02) 9585 6345 or by email at ahims@environment.nsw.gov.au.

2. Aboriginal Heritage Study

We recommend using the AHIMS data, along with any previous landscape assessments of the occurrence of Aboriginal objects and sensitive areas, to assist in developing effective strategies to assess impacts to Aboriginal sites in areas being considered for future development. The selection of landscape mapping to overlay with AHIMS site data will highlight distribution patterns between landscape features and Aboriginal sites. This information can assist in identifying potential areas of sensitivity in locations where no location information for Aboriginal sites exists.

OEH can be contacted to advise on data searches for previous cultural and heritage studies undertaken in each Council LGA, and discuss the potential for appropriate desktop tools for use in cultural heritage management.

We recommend that the strategic planning process be used to initiate the development of a strategic framework for engaging local Aboriginal community interests to ensure that active engagement with Aboriginal people evolves over time.

3. Implement a range of tools to ensure strategic management of Aboriginal cultural heritage

We strongly recommend that Councils aim to protect identified areas of Aboriginal cultural sensitivity through:

- The designation of appropriate zoning provisions and boundaries where possible,
- Inclusion on the Heritage Map of any specific important areas identified (which will enable the mandatory clauses in the Standard Instrument to be effectively applied),
- The generation of a cultural heritage constraints map which could be used in a similar way to the ESA layers provided by the natural resource management agencies,
- Appropriate provisions within DCPs to ensure adequate assessment and protection of Aboriginal cultural heritage values,
- Formation of an Aboriginal community Advisory Group to ensure on going input and dialogue on identification and management of Aboriginal cultural heritage for the LGA

4. Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales^v

This code of practice is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The NPW Act allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the *National Parks and Wildlife Regulation 2009* (NPW Regulation) made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments.

This code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- identify whether or not Aboriginal objects are, or are likely to be, present in an area
- determine whether or not their activities are likely to harm Aboriginal objects (if present)
- determine whether an AHIP application is required.

When formulating DCPs and other planning controls, Council should require proponents to undertake due diligence in accordance with the Code of Practice. Proponents should provide Council with evidence that the due diligence process has been followed.

ⁱ <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/~media/F1001EC0B1C443CD83286163B43891B8.ashx>

ⁱⁱ **Key Threatening Processes:**
<http://www.environment.nsw.gov.au/threatenedspecies/KeyThreateningProcesses.htm>

ⁱⁱⁱ **Guidelines for Development Adjoining DECCW Estate:**
<http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm>

^{iv} <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>

^v **Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW**
<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>



Department of
Primary Industries
Water

Stephen Wallace
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Contact Tim Baker
Phone 02 6841 7403
Mobile 0428 162 097
Fax 02 6884 0096
Email Tim.Baker@dpi.nsw.gov.au
Our ref OUT16/3880

Attention: Steven Jennings

Dear Steven

PUBLIC EXHIBITION OF DRAFT SOUTH-EAST DUBBO STRUCTURE PLAN

I refer to your letter dated 12th January 2016 requesting comment on a draft structure plan for the South East Dubbo Residential Urban Release Area. The plan has been reviewed and DPI Water provides the following comments.

- It is understood the structure plan area consists of approximately 354 hectares of land which is currently undeveloped and comprises land predominately zoned R2 Low Density Residential and a minor component of land zoned R5 Large Lot Residential. The document indicates the aim of the structure plan is to set direction for development of the area and is not to address specific land zoning and density issues.
- The structure plan refers to a number of studies which have been prepared to inform the structure plan such as groundwater and salinity, flooding and stormwater management. These studies however have not been provided for review.
- A review of DPI Water's database indicates a number of groundwater bores exist on the site. Consideration of future management of these bores and their licences would need to be addressed in future detailed design. If decommissioning is selected DPI Water would need to be notified to cancel the licences and the works would need to be decommissioned in accordance with the requirements set out in "*Minimum Construction Requirements for Water Bores in Australia*".
- Aerial imagery indicates a number of surface water dams exist on the site. Consideration of future management of these dams would need to be addressed in future detailed design. Dam sizes would need to be consistent with the Maximum Harvestable Rights Dam Capacity for the proposed lot sizes. Further detail on this can be accessed at the following link: <http://www.water.nsw.gov.au/water-licensing/basic-water-rights/harvesting-runoff>
- The site includes a first order watercourse flowing west in the middle of the Keswick estate and a third order watercourse with two first order watercourses in the SE section of the Hillview estate. DPI Water advises future works within 40m of these watercourses will need to be consistent with the *Guidelines for Controlled Activities on Waterfront Land (DPI 2012)* which can be accessed at the following link: <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity> It is recommended this be addressed in the early stages of rezoning/lot design as buffer requirements may determine the locations of zone and lot boundaries.
- It is recognised reticulated water and sewer is proposed for future development at the site. This is strongly supported by DPI Water to mitigate potential impacts to the local groundwater and surface water systems.

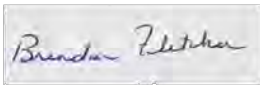
www.water.nsw.gov.au | DPI Water

209 Cobra St, Dubbo | PO Box 717 Dubbo NSW 2830 | t 02 6841 7555 | f 02 6884 0096

- It is anticipated the stormwater generated from the site will flow into Eulomogo Creek and the Macquarie River and may interact with the alluvium of the Macquarie River. This raises key issues for future consideration including:
 - Management of peak discharges in watercourses to not exceed pre-development and to ensure adequate controls for watercourse stability.
 - Protection of water quality in the Macquarie River alluvium and the watercourses to maintain quality for town water supply, existing users and the environment.
 - Protection of water quality in the Dubbo weir pool on the Macquarie River to maintain quality for the town water supply from stormwater, other runoff from the site, sewer overflows and other impacts.

Should you have any further queries in relation to this submission please do not hesitate to contact Tim Baker on (02) 6841 7403.

Yours sincerely



Brendan Fletcher
A/Manager Assessments
11 February 2016

Comments on draft Structure Plan – South East Dubbo Residential

The HGL profiles for the area provide an initial assessment of the salinity implications of the development, and will act as a guide for planning and assessment. Detailed investigation will be required at the Development Stage.

Dubbo Basalt HGL (Moderate Hazard)**SALINITY**

OCCURRENCE (LAND)	Isolated saline spots, along drainage lines, and commonly at the intersection with the Purlewaugh formation (Basalt cap), depressions and foot-slopes have been observed. In addition, saline sites due to local perching of water table occur in the HGL.
EXPORT (LOAD)	The Basalt derived clay nature of the soils leads to moderate salt store and hence moderate salt load. Groundwater interacts with surface salts at the intersection with the basalt cap, to give elevated load in wet conditions.
WATER QUALITY (EC)	Surface water is essentially fresh in high runoff events. Most water movement is recharge to the underlying sediments, and to the edge of basalt cap, where quality can become marginal. The water is dominated by carbonate salts.

There is likely to be salinity at the interface of the Dubbo Basalt and other surrounding units. Salt sites have been observed in the vicinity of the basalt caps and in drainage lines in wet periods. Previous EM surveys have confirmed the saline locations in this HGL. This will impact on block layout and greenspace provision.

Peachville HGL (Low Hazard)**SALINITY**

OCCURRENCE (LAND)	The thicker regolith depth and drainage through the flat top landscape contributes to minor salinity at the edge of the unit in a rural landscape. In urbanised sectors, outbreaks of salinity increase due to extra applied water. Generally the landscape has low land salinity.
EXPORT (LOAD)	The urbanisation impact, coupled with the thicker regolith provides a salt storage mechanism and water source in this HGL. There is a moderate load emanating from this landscape when the seasonal conditions turn wet.
WATER QUALITY (EC)	Most water flow is into the regolith and then out at the colluvial interface. Little surface flow is evident in most years and has been recorded in the fresh range (< 0.8 dS/m)

The issue in this landscape is the potential to store salts, and to contribute to surrounding HGLs. In wet conditions salt load to streams may be elevated due to mobilization of salt store. Block size coupled with overwatering may be a potential issue.

Old Dubbo Road HGL (Low Hazard)**SALINITY**

OCCURRENCE (LAND)	Little known saline sites in HGL. Salinity may enter HGL from adjacent HGL. Sites are transient on the lower edge of the unit.
EXPORT (LOAD)	The basalt influenced soils and the long slopes contribute to a moderate salt store.
WATER QUALITY (EC)	There is little known salinity, deeper recharge and intermittent surface flow. Water EC is low.

The issue in this landscape is also the potential to store salts, and to contribute to surrounding HGLs, particularly the alluvium. Long low slopes accumulate salts. In wet conditions salt load to streams may be elevated due to mobilization of salt store

Allan Nicholson | Team Leader, Landscape Management Technical Group
Water Research | Agriculture NSW | Department of Primary Industries
30 Warne St, WELLINGTON, NSW, 2820 (P.O. Box 123)
T 02 6840 7723 F 02 6840 7801 M 0448 413 154
E allan.nicholson@dpi.nsw.gov.au

From: MCINTYRE Andrew R **On Behalf Of** Development Western
Sent: Wednesday, 4 May 2016 5:28 PM
To: Steven Jennings
Cc: Development Western
Subject: RE: Dubbo City Council, Draft South-East Structure Plan

Dear Steve,

Thanks for your email and for your time on the telephone earlier today.

Following our discussion and review of your email, the following comments are made:

- The proposed Dubbo southern distributor's location on the map below is indicative and, the final design, location and possible connection to the Mitchell and Newell Highway are contingent on a number of factors including future upgrades to the Newell and Mitchell Highways, future traffic growth and travel patterns in Dubbo and Roads and Maritime's concurrence (with regard to the Newell Highway) and the Minister for Roads consent (with regard to the Mitchell Highway).
- It is important for a city of the size of Dubbo to not rely on the Mitchell and Newell Highways alone to move traffic from one side of Dubbo to the other. It appears the structure plan acknowledges this with good connectivity to local collector roads such as Boundary Street, Azure Avenue, Sheraton Road and Hennessey Drive/Macquarie Street.
- Planning for extensions to Sheraton Road and Boundary Street and future connection to the proposed southern distributor road will need to assess the safety impacts on Sheraton Road adjoining and near Dubbo Christian School, St Johns College and St Johns Primary School.
- Roads and Maritime appreciates and welcomes Council's commitment to continue to liaise with Roads and Maritime as Council further plans and develops the proposed southern distributor road and its possible connections to Mitchell and Newell Highways.

Thank you for the opportunity to provide comments. If you require any further information or wish to discuss this matter further, please don't hesitate to contact me.

Regards,

Andrew McIntyre
Manager Land Use Assessment
Network & Safety Management
Western Region
T (02) 6861 1453 F (02) 6861 1414
www.rms.nsw.gov.au

Roads and Maritime Services
51-55 Currajong Street Parkes NSW 2870
PO Box 334 Parkes NSW 2870



SERVICING STRATEGY
SOUTHLAKES ESTATE DUBBO

PREPARED FOR
MAAS GROUP PROPERTIES PTY LTD

APRIL 2016



•Civil, Environmental & Structural Engineering •Surveying •Environmental •Planning •Architecture



SERVICING STRATEGY
SOUTHLAKES ESTATE DUBBO

PROPOSED RESIDENTIAL SUBDIVISION
LOT 12 IN DP1207280 AND LOT 399 IN DP1199356

PREPARED FOR:
MAAS GROUP PROPERTIES NO. 2 PTY LTD

APRIL 2016



POSTAL ADDRESS PO Box 1842 DUBBO NSW 2830
LOCATION 1ST FLOOR, 62 WINGEWARRA STREET DUBBO NSW 2830
TEL PHONE 02 6884 1525 FACSIMILE 02 6884 1470
EMAIL DUBBO@GEOLYSE.COM WEB SITE WWW.GEOLYSE.COM



SERVICING STRATEGY
SOUTHLAKES ESTATE DUBBO
MAAS GROUP PROPERTIES NO. 2 PTY LTD

Report Title:	<i>Servicing Strategy</i>
Project:	<i>Southlakes Estate Dubbo</i>
Client:	<i>Maas Group Properties No. 2 Pty Ltd</i>
Report Ref.:	<i>114135_SSS_002</i>
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Issued:	<i>13 April 2016</i>

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All information contained within this report is prepared for the exclusive use of Maas Group Properties No. 2 Pty Ltd to accompany this report for the land described herein and is not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.



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APPENDIX A

Stormwater Management Strategy Prepared by Geolyse



Executive Summary

1.1 INTRODUCTION

Maas Group Properties intends to develop a residential subdivision on land to the east of the existing Southlakes Estate subdivision. The extension to Southlakes Estate will complement the existing Southlakes subdivision and have major access points connecting via Azure Avenue and Argyle Avenue to Wheelers Lane and the wider road network.

It is intended that approximately 1,370 dwelling sites be created in the extension to Southlakes Estate and will comprise residential allotments and medium density allotments.

This Servicing Strategy will assess the overall development of the extension of Southlakes Estate and also make provisions for the extension of the sewerage reticulation to the north and east of Southlakes to allow the future development of adjoining lands contained within the sewerage catchment.

The objective for preparing the Servicing Strategy is to determine an economic means of providing the required infrastructure to the subdivision area to allow the development of the land for residential and commercial purposes.

The Servicing Strategy will assess the provision of sewerage reticulation and the water reticulation network necessary to service the approximately 1,370 dwelling sites within the subdivision.

A separate Stormwater Drainage Report has been prepared and is appended to this Servicing Strategy Report to assess the drainage requirements of the subdivision particularly in relation to the trunk drainage corridor through the subdivision and discharging to the proposed detention basin to be constructed on the southern side of Hennessy Drive.

1.2 SEWERAGE RETICULATION

It is intended that approximately 1,370 dwelling sites be created in the subdivision comprising residential allotments and medium density allotments.

In general, the dwelling sites will comprise the following allocations:

Residential allotments	920 lots
Medium density dwelling units	450 units
Total dwelling sites	1,370 dwellings

Based on the criteria outlined in the *NSW Public Works Department Manual of Practice Sewer Design*, the estimated sewage generation from the extension to Southlakes Estate can be calculated as approximately 1,220 ET.

An allowance has also been made to account for the future development of the neighbourhood precinct in the northern section of the site and an allocation of 20 ET's will be made and thus the total estimated sewage generation from the subdivision is approximately 1,240 ET.

Many of the proposed dwelling lots that are located along the eastern extents of the existing Southlakes Estate can be serviced by the extension of existing gravity sewerage mains from the current subdivision. Approximately 250 dwelling lots can be serviced in this way.

The servicing of the remaining sewage generated from the extension of Southlakes Estate will require the provision of a major gravity sewerage main connecting to the Keswick Sewage Pump Station. The gravity connection to the sewage pump station will service approximately 990 ET. In order to provide a buffer for the possible increase of dwelling density within the proposed subdivision, an additional



approximate 10% allowance should be added to the estimated ET's connecting to the Keswick Sewage Pump Station.

Therefore, the total ET allocation from the extension of Southlakes Estate draining to the Keswick pump station should be increased to approximately 1,100 ET.

Also located within the sewage catchment draining to the Keswick Sewage Pump Station is a parcel of land located further to the east of the extension of the Southlakes subdivision. The land to the east is owned by Mr and Mrs Ringland and is currently Zoned R5.

Assessment of this parcel of land indicates that approximately 300 residential lots generating an additional 300 ET can be developed.

Dubbo City Council's Keswick Estate is located to the north of the extension to Southlakes Estate and sewage generated by the future development of this land will drain through the Southlakes sewerage reticulation system to the Keswick pump station.

Discussions with Council staff indicate that approximately 1,434 lots can be developed and an allowance of 1,450 ET will be made for the future development of the section of Keswick Estate within the sewage catchment.

There is an additional parcel of land to the north east of Southlakes Estate situated at the intersection of Sheraton Road and the extension of Boundary Road owned by Mr Neil O'Connor. Based on an assessment of the expected lot yield from this parcel of land, an allowance of 60 ET will be made.

On the basis of the overall sewage catchment draining to the Keswick Sewage Pump Station, the reticulation mains within the extension of Southlakes Estate and the Keswick pump station will need to cater for the following sewage loadings:

Southlakes Estate extension	1,100 ET
Future Ringland subdivision	300 ET
Future Keswick subdivision	1,450 ET
Future O'Conner subdivision	60 ET
Total Sewage Loading	2,910 ET

In general, a 225mm diameter and 300mm diameter sewer mains will be provided in the southern section of the subdivision draining from east to west to cater for the future development of land to the east (Ringland).

The major gravity sewer main draining from north to south will comprise a 375mm diameter connection to the land to the north (Keswick) subsequently increasing downstream to 450mm diameter.

The 300mm diameter and 450mm diameter trunk sewer mains join at the southern end of the subdivision. When the trunk mains combine, the gravity connection to the inlet manhole at the Keswick pump station will require the construction of a 600mm diameter sewer main to transfer the expected 2,910 ET's generated from within the overall sewage catchment to the pump station.

The 600mm diameter sewer main is required due to grade limitations from the invert level of the inlet manhole and the provision of cover where the trunk sewer main crosses the eastern and western drainage channels within the drainage corridor.

All gravity sewer mains within the subdivision will be designed in accordance with Council's design criteria in terms of minimum depth, sewer main grading and ET capacity.



1.3 WATER RETICULATION

For the expected development of 1,370 dwellings, the following water demands can be estimated:

Peak Instantaneous Demand	137 L/s
Peak Daily Demand	3.66 ML

Dubbo City Council has carried out a WATSYS analysis on the overall water reticulation network for the greater south eastern section of the area encompassing Southlakes Estate, the proposed extension of Southlakes Estate, Holmwood Estate, Magnolia Estate and Macquarie View Estate.

Council's WATSYS analysis of the area was carried out approximately in 2013.

Whilst Council's reticulation model indicates the use of water mains a minimum of 100mm diameter in size, noting that some of the existing areas within Southlakes Estate have 100mm diameter water mains constructed, Council has advised that in future the minimum water main size to be used in residential subdivisions in 150mm diameter.

A water reticulation network to service the extension of Southlakes Estate has been determined generally in accordance with Council's WATSYS model and upgrading the minimum size of the water reticulation mains to 150mm diameter as required.

1.4 INDICATIVE SERVICING PLANS

Indicative servicing plans for sewerage and water reticulation to service the extension of Southlakes Estate have been prepared and are indicated on **Drawings C001 to C005** located in the **Drawings** Section of this Report.

1.5 STORMWATER DRAINAGE

The Stormwater Management Strategy presents an assessment of the proposed stormwater management strategy for the extension of the Southlakes Estate residential subdivision proposed by Maas Group Properties. The results show that the proposed stormwater management system results in a slightly higher peak discharge from the site at Hennessy Drive than that determined by Cardno. However, given the location of the Southlakes Estate at the lower end of the catchment and the designed bypass on the Hennessy Drive basin it is not expected that the modelled increase in flows will have any detrimental effect on flooding downstream of the site.

It is proposed to construct a minor/major drainage system for the extension of Southlakes Estate with the minor system consisting of stormwater pits and pipes that would convey minor flows to the drainage reserve running through the site. Major flows would be conveyed along road reserves and drainage easements to the drainage reserve running through the site. In accordance with the overall stormwater strategy for the catchment no on-site detention is proposed within the Southlakes Estate. All system components would be subject to further detailed assessment and design during the engineering design phase, based on the principles outlined in this assessment.

1.6 CONCLUSION

This Servicing Strategy has determined the infrastructure requirements necessary for the proposed extension of Southlakes Estate. The Servicing Strategy has determined the overall framework for the effective provision of services to the subdivision.

The Servicing Strategy has provided the design guidelines for the provision of services to the subdivision in a staged manner and forms the basis for the future detailed design of the services for the extension to Southlakes Estate.



Introduction

2.1 BACKGROUND

Maas Group Properties intends to develop a residential subdivision on land to the east of the existing Southlakes Estate subdivision. The extension to Southlakes Estate will complement the existing Southlakes subdivision and have major access points connecting via Azure Avenue and Argyle Avenue to Wheelers Lane and the wider road network.

It is intended that approximately 1,370 dwelling sites be created in the extension to Southlakes Estate and will comprise residential allotments and medium density allotments.

An open space corridor will be created along the central drainage line that separates the subdivision generally from the north east to the southwest of the site. The drainage corridor will be embellished with a series of decorative lakes similar to the lakes that have been developed along the existing drainage corridor in Southlakes Estate.

The drainage corridor within the extension to Southlakes Estate is known as the eastern channel whilst the drainage corridor within the existing Southlakes Estate is known as the western channel.

This Servicing Strategy will assess the overall development of the extension of Southlakes Estate and also make provisions for the extension of the sewerage reticulation to the north and east of Southlakes to allow the future development of adjoining lands contained within the sewerage catchment.

The objective for preparing the Servicing Strategy is to determine an economic means of providing the required infrastructure to the subdivision area to allow the development of the land for residential and commercial purposes.

The Servicing Strategy will assess the provision of sewerage reticulation and the water reticulation network necessary to service the approximately 1,370 dwelling sites within the subdivision.

A separate Stormwater Drainage Report has been prepared and is appended to this Servicing Strategy Report to assess the drainage requirements of the subdivision particularly in relation to the trunk drainage corridor through the subdivision and discharging to the proposed detention basin to be constructed on the southern side of Hennessy Drive.

2.2 SITE LOCATION

The Hillview property is located approximately 4km south east of the Dubbo central business district and is accessed from the north via Cobra Street and Wheelers Lane and the south via Hennessy Drive and Wheelers Lane.

The subdivision site is described as Lot 12 in DP1207280 and Lot 399 in DP1199356. Lot 12 has an area of approximately 2.27ha and Lot 399 has an area of approximately 128.5ha for a total development area of approximately 130.77ha.

The site is bounded by Southlakes Estate to the west, Boundary Road to the north, Hennessy Drive to the south and privately owned land to the east.

Boundary Road to the east of Wheelers Lane is currently unformed and Dubbo City Council proposes to extend Boundary Road to the east to connect with Sheraton Road whilst Hennessy Drive will be extended to provide a freight corridor extending further to the east and connecting to the Mitchell Highway via Basalt Drive.

Currently the site is accessed from Wheelers Lane via Azure Avenue through Southlakes Estate and crossing the western channel via a culverted bridge. Work is currently underway to construct an



additional culverted bridge again crossing the western channel and extending Argyle Avenue to the Hillview property.

The location of the proposed extension to Southlakes Estate is indicated on **Drawing D001** located in the **Drawings** Section of this Report.

2.3 STUDY METHODOLOGY

In order to prepare the Servicing Strategy for the provision of infrastructure for the extension of Southlakes Estate, the following worktasks will be carried out:

- i) Determination of development densities in the nominated land use zones to assess loading demands for sewage equivalent tenements (ET's) with expected water usage demands for the subdivision.
- ii) Determination of additional sewage ET allowances to be made for the future development of lands to the north and east of the extension of Southlakes Estate.
- iii) Determination of the sewerage catchment limits based on depth limitations for connection of a gravity main to the Keswick Sewage Pump Station to service the subdivision.
- iv) Determination of a gravity sewerage reticulation system to service the subdivision lot layout and the adjoining lands draining to the Keswick Sewage Pump Station.
- v) Determine the water usage demands for the various areas of the Southlakes subdivision to estimate the total peak instantaneous demand required to service the subdivision.
- vi) Determine a water reticulation layout to service the subdivision generally in accordance with the WATSYS reticulation modelling previously carried out by Dubbo City Council for the greater south eastern section of the area encompassing Southlakes Estate, the proposed extension of Southlakes Estate, Holmwood Estate, Magnolia Estate and Macquarie View Estate.
- vii) Preparation of the Servicing Strategy Report to document the investigations carried out to determine the infrastructure requirements for the proposed extension to Southlakes Estate. The Servicing Strategy will provide sufficient design guidelines for the future provision of services in a staged manner and will form the basis of the future detailed design of each service.

In summary, the Servicing Strategy will determine the overall framework for the effective provision of services to the subdivision with the required sewerage and water supply networks.



Proposed Development and Design Loadings

3.1 PROPOSED DEVELOPMENT

The site for the extension of the Southlakes Estate subdivision comprises Lot 12 in DP1207280 and Lot 399 in DP1199356. Lot 12 has an area of approximately 2.27ha and Lot 399 has an area of approximately 128.5ha for a total development area of approximately 130.77ha.

It is intended that approximately 1,370 dwelling sites be created in the subdivision comprising residential allotments and medium density allotments.

In general, the dwelling sites will comprise the following allocations:

Residential allotments	920 lots
Medium density dwelling units	450 units
Total dwelling sites	1,370 dwellings

The concept Master Plan for the proposed extension to Southlakes Estate is indicated on **Drawing D002** located in the **Drawings** Section of this Report.

3.2 SEWAGE DESIGN CRITERIA

3.2.1 SOUTHLAKES ESTATE SEWAGE GENERATION

The estimated sewage generation from the expected 1,370 dwellings to be developed within the subdivision can be determined based on the design criteria outlined in the *NSW Public Works Department Manual of Practice Sewer Design* where the following generation rates will apply:

Residential dwelling house	1 ET per dwelling
Medium density dwelling unit	2/3 ET per unit

Based on this criteria, the estimated sewage generation from the extension to Southlakes Estate can be calculated as approximately 1,220 ET.

An allowance should also be made to account for the future development of the neighbourhood precinct in the northern section of the site and an allocation of 20 ET's will be made and thus the total estimated sewage generation from the subdivision is approximately 1,240 ET.

Many of the proposed dwelling lots that are located along the eastern extents of the existing Southlakes Estate can be serviced by the extension of existing gravity sewerage mains from the current subdivision. Approximately 250 dwelling lots can be serviced in this way.

The servicing of the remaining sewage generated from the extension of Southlakes Estate will require the provision of a major gravity sewerage main connecting to the Keswick Sewage Pump Station. The gravity connection to sewage pump station will service approximately 990 ET. In order to provide a buffer for the possible increase of dwelling density within the proposed subdivision, an additional approximate 10% allowance should be added to the estimated ET's connecting to the Keswick Sewage Pump Station.

Therefore, the total ET allocation from the extension of Southlakes Estate draining to the Keswick pump station should be increased to approximately 1,100 ET.



3.2.2 ADDITIONAL SEWAGE CATCHMENTS

Also located within the sewage catchment draining to the Keswick Sewage Pump Station is a parcel of land located further to the east of the extension of the Southlakes subdivision. The land to the east is owned by Mr and Mrs Ringland and is currently Zoned R5.

Assessment of this parcel of land indicates that approximately 300 residential lots generating an additional 300 ET can be developed.

Dubbo City Council's Keswick Estate is located to the north of the extension to Southlakes Estate and sewage generated by the future development of this land will drain through the Southlakes sewerage reticulation system to the Keswick pump station.

Discussions with Council staff indicate that approximately 1,434 lots can be developed and an allowance of 1,450 ET will be made for the future development of the section of Keswick Estate within the sewage catchment.

There is an additional parcel of land to the north east of Southlakes Estate situated at the intersection of Sheraton Road and the extension of Boundary Road owned by Mr Neil O'Connor.

Based on an assessment of the expected lot yield from this parcel of land, an allowance of 60 ET will be made.

3.2.3 TOTAL CATCHMENT SEWAGE GENERATION

On the basis of the overall sewage catchment draining to the Keswick Sewage Pump Station, the reticulation mains within the extension of Southlakes Estate and the Keswick pump station will need to cater for the following sewage loadings:

Southlakes Estate extension	1,100 ET
Future Ringland subdivision	300 ET
Future Keswick subdivision	1,450 ET
Future O'Conner subdivision	60 ET
Total Sewage Loading	2,910 ET

3.2.4 INDUSTRIAL CANDIDATE AREA NO. 1

In 1997, Terra Sciences (now Geolyse) prepared a servicing strategy on behalf of Dubbo City Council for an industrial precinct known as Industrial Candidate Area No. 1.

Industrial Candidate Area No. 1 is located to the south east of the urban area of Dubbo and comprises a total area of approximately 750 ha. The site is bounded by the Mitchell Highway to the north, Eulomogo Creek to the south and a portion of Sheraton Road to the west.

At the time of the preparation of the servicing strategy in 1997, the Industrial Candidate Area was to contain approximately 108 industrial lots ranging in size from 3,000m² up to approximately 7.0 ha. The section of the land to be developed in the Industrial Candidate Area was located closer to and was to have access from the Mitchell Highway and fell within three distinct catchments in terms of the provision of sewerage infrastructure.

Approximately one third of the developable area in the northwest section of the site was to be serviced by a gravity sewer main connecting to an existing Council sewer main located on the eastern side of Sheraton Road in the general vicinity of the former Caravan Park located in Sheraton Road and St Johns Primary School.



The remainder of the developable land within the Candidate Area was to be serviced by three (3) small sewage pump stations that discharged into the end of the gravity sewerage network connecting to the Sheraton Road sewer main.

To date, the Sheraton Road sewer main has been extended eastwards in association with the development of Bunnings on Sheraton Road and into the subdivision known as the Blueridge Business Park. The Blueridge development generally encompasses the initial section of Industrial Candidate Area No. 1 that was capable of being serviced by a gravity sewer main.

At this point in time, the remainder of the Industrial Candidate Area can be serviced in accordance with the original 1997 servicing strategy with the provision of sewerage reticulation and infrastructure independent to the proposed development of the extension of Southlakes Estate.

3.3 WATER DEMAND CRITERIA

The water demand criteria normally used for the design of water reticulation systems to service subdivisions is based on standard criteria outlined in the *NSW Public Works Department Water Supply Investigation Manual*, namely:

Peak Instantaneous Demand	0.15 L/s/tenement
Peak Daily Demand	5,000 L/day/tenement

However, in Dubbo City Council's *AUSPEC-1 Part D11 Water Reticulation*, the Peak Instantaneous Demand is taken to be 0.10 L/s/tenement.

Additionally, water supply authorities are moving away from the adoption of a peak daily demand of 5,000 L per day per tenement. Peak Daily Demands in the range of 2,000 L per day to 3,000 L per day are commonly used.

For the assessment of the Peak Daily Demand for the extension to Southlakes Estate a demand of 3,000 L/day/resident tenement and 2,000 L/day/medium density unit will be adopted.

For the expected development of 1,370 dwellings in the extension of Southlakes Estate, the following water demands can be estimated:

Peak Instantaneous Demand	137 L/s
Peak Daily Demand	3.66 ML

It should be noted that the irrigation of the landscaped areas of the subdivision, particularly the drainage corridors will be assumed to occur at night or at other off peak times and thus the irrigation demand is not included in the Peak Instantaneous Demand calculated for the subdivision.



Proposed Servicing Infrastructure

4.1 SEWERAGE RETICULATION

The extension of Southlakes Estate will be serviced by gravity sewerage reticulation mains connecting to either extensions of the existing sewerage reticulation from within Southlakes Estate to the west or by draining via trunk sewerage mains to the Keswick Sewage Pump Station located in Hennessy Road to the south west of the subdivision.

As indicated previously, the Southlakes sewerage reticulation mains will also be sized to cater for the expected development of land located to the east (Ringland) and to the north (Keswick and O'Connor) of the extension of Southlakes Estate. To enable these land parcels to be serviced by gravity reticulation to the Keswick pump station, the sewerage mains within the extension of Southlakes will need to be increased in size to cater for the additional sewage generation.

In general, a 225mm diameter and 300mm diameter sewer mains will be provided in the southern section of the subdivision draining from east to west to cater for the future development of land to the east (Ringland).

The major gravity sewer main draining from north to south will comprise a 375mm diameter connection to the land to the north (Keswick) subsequently increasing downstream to 450mm diameter.

The 300mm diameter and 450mm diameter trunk sewer mains join at the southern end of the Southlakes subdivision. Where the trunk mains combine, the gravity connection to the inlet manhole at the Keswick pump station will require the construction of a 600mm diameter sewer main to transfer the expected 2,910 ET's generated from within the overall sewage catchment to the pump station.

The 600mm diameter sewer main is required due to grade limitations from the invert level of the inlet manhole and the provision of cover where the trunk sewer main crosses the eastern and western drainage channels within the drainage corridor.

An alignment for the 600mm diameter sewer main has been determined and a preliminary longitudinal section of the sewer main prepared.

Following discussions with Council's staff it has been confirmed that the original design of the Keswick Sewage Pump Station allowed for the development of the Hillview land and other land within the sewage catchment and can cater for the additional loading generated by approximately 2,920 ET's from within the catchment.

Details of the overall sewerage reticulation and the 600mm diameter trunk sewerage main are indicated on **Drawing C002**, **Drawing C003** and **Drawing C004** located in the **Drawings** Section of this Report.

The provision of the sewerage infrastructure to service the Southlakes Estate subdivision and the connections external to the site will be subject to detailed engineering design at the appropriate phase of the project.

4.2 WATER RETICULATION

Dubbo City Council has carried out a WATSYS analysis on the overall water reticulation network for the greater south eastern section of the area encompassing Southlakes Estate, the proposed extension of Southlakes Estate, Holmwood Estate, Magnolia Estate and Macquarie View Estate.

Council's WATSYS analysis of the area was carried out approximately in 2013.



The water reticulation network for the development area determined by Council is indicated on **Drawing D003** located in the **Drawings** Section of this Report.

Whilst Council's reticulation model indicates the use of water mains a minimum of 100mm diameter in size, noting that some of the existing areas within Southlakes Estate have 100mm diameter water mains constructed, Council has advised that in future the minimum water main size to be used in residential subdivisions in 150mm diameter.

A water reticulation network to service the extension of Southlakes Estate has been determined generally in accordance with Council's WATSYS model and upgrading the minimum size of the water reticulation mains to 150mm diameter as required.

4.3 INDICATIVE SERVICING PLANS

Indicative servicing plans for sewerage reticulation and water reticulation to service the extension of Southlakes Estate have been prepared and are indicated on **Drawings C001 to C005** located in the **Drawings** Section of this Report.

The sewerage reticulation plans provide for the future servicing of lands located to the north and east of the extension of Southlakes Estate and provide a gravity trunk sewerage main connecting to the Keswick Sewage Pump Station.

4.4 STORMWATER DRAINAGE

A Stormwater Management Strategy for the proposed subdivision has been prepared and is attached in **Appendix A**.

The Report presents an assessment of the proposed stormwater management strategy for the extension of the Southlakes Estate residential subdivision proposed by Maas Group Properties. The results show that the proposed stormwater management system results in a slightly higher peak discharge from the site at Hennessy Drive than that determined by Cardno. However, given the location of the Southlakes Estate at the lower end of the catchment and the designed bypass on the Hennessy Drive basin it is not expected that the modelled increase in flows will have any detrimental effect on flooding downstream of the site.

It is proposed to construct a minor/major drainage system for the extension of Southlakes Estate with the minor system consisting of stormwater pits and pipes that would convey minor flows to the drainage reserve running through the site. Major flows would be conveyed along road reserves and drainage easements to the drainage reserve running through the site. In accordance with the overall stormwater strategy for the catchment no on-site detention is proposed within the Southlakes Estate. All system components would be subject to further detailed assessment and design during the engineering design phase, based on the principles outlined in this assessment.



SERVICING STRATEGY
SOUTHLAKES ESTATE DUBBO
MAAS GROUP PROPERTIES NO. 2 PTY LTD

References

NSW Public Works Department Manual of Practice Sewer Design
NSW Department of Public Works

NSW Public Works Department Manual of Practice Sewer Pump Station Design
NSW Department of Public Works

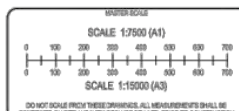
NSW Public Works Department Water Supply Investigation Manual
NSW Department of Public Works

Drawings



REV	DATE	CD	APPD.	DETAILS
A	26/09/16	SD	SLB	ISSUED FOR REPORT

FILE	REV	DATE
SURVEY	-	-
DESIGN	SD	26/09/16
REVISION	-	-
REVISION	-	-
FORWARDED	SLB	26/09/16
SUBMITTED	-	-
APPROVAL	-	-



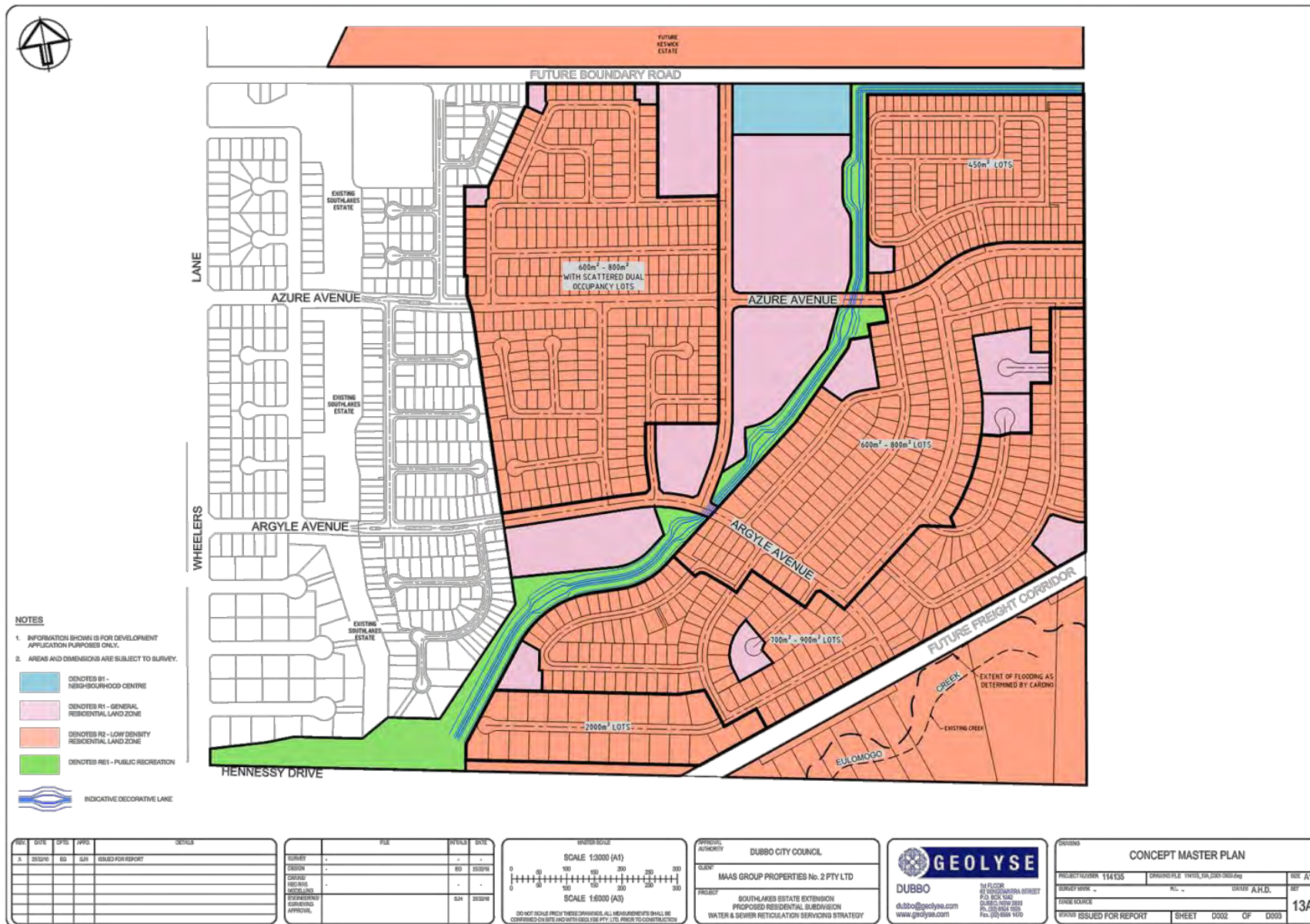
APPROVAL AUTHORITY	DUBBO CITY COUNCIL
CLIENT	MAAS GROUP PROPERTIES No. 2 PTY LTD
PROJECT	SOUTHLAKES ESTATE EXTENSION PROPOSED RESIDENTIAL SUBDIVISION WATER & SEWER RETICULATION SERVICING STRATEGY

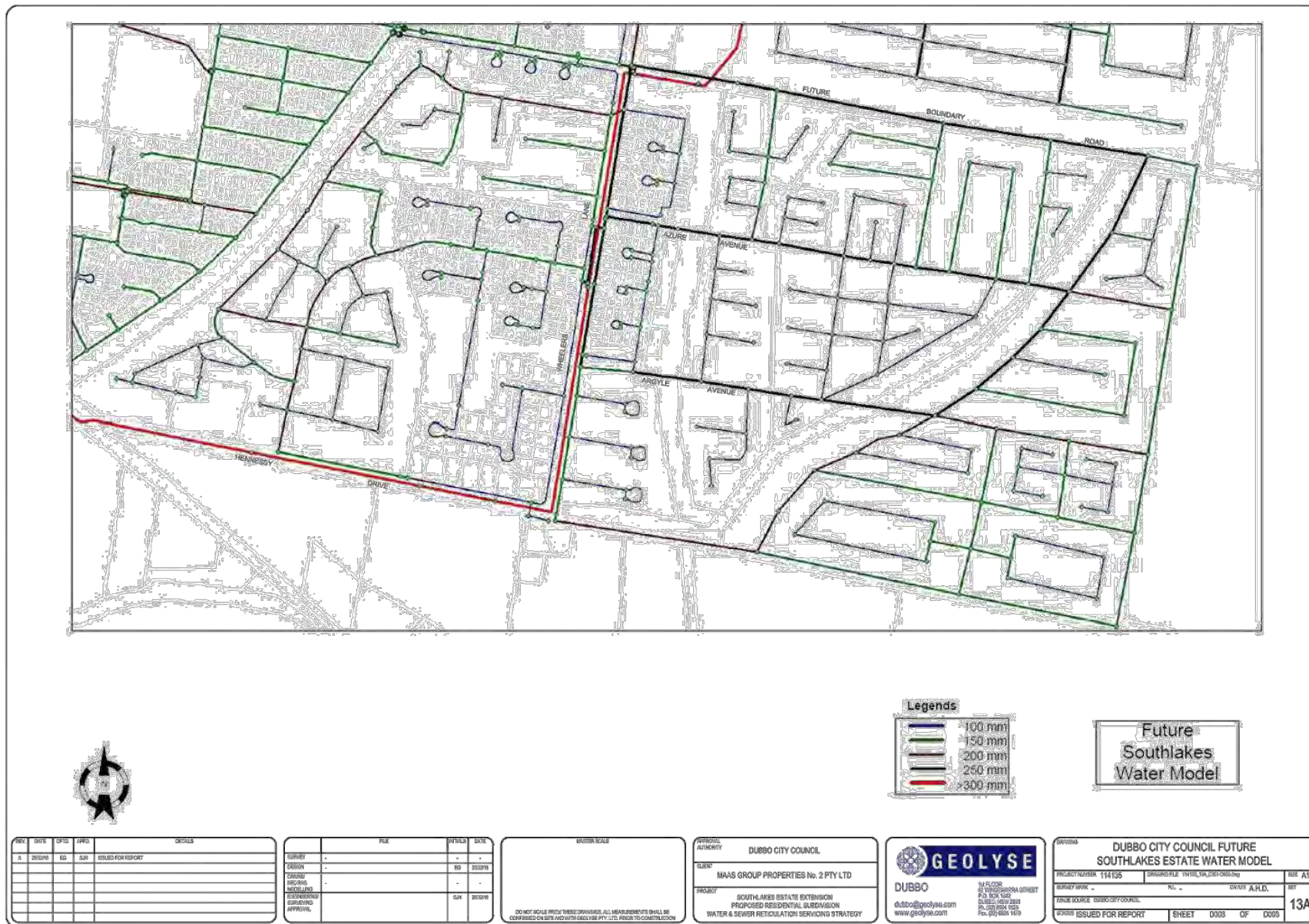
GEOLYSE

DUBBO

14 FLOOR
BY THE GARDENERS GARAGE
7/8 BICK LANE
DUBBO NSW 2880
P. 08 9384 9000
F. 08 9384 9000
www.geolyse.com

COVERING		SITE LOCALITY	
PROJECT NUMBER	T14135	DRAWING FILE	T14135_A1_D001.dwg
SURVEY DATE	-	DATE	A.H.D.
ISSUED FOR REPORT	SHEET	D001	OF D003
			13A





Legends

- 100 mm
- 150 mm
- 200 mm
- 250 mm
- 300 mm

Future
Southlakes
Water Model

REV	DATE	CD	APPD.	DETAILS
A	25/09/16	ED	SAH	ISSUED FOR REPORT

FILE	REVISED	DATE
SURVEY	-	-
DESIGN	-	25/09/16
ENGINEERING	-	-
PERMITS	-	-
CONSTRUCTION	-	-
OPERATION	-	-

DO NOT SCALE FROM THESE DRAWINGS. ALL MEASUREMENTS SHALL BE CONFIRMED ON SITE AND WITH GEOLYSE PTY LTD PRIOR TO CONSTRUCTION

APPROVAL
DUBBO CITY COUNCIL

CLIENT
MAAS GROUP PROPERTIES No. 2 PTY LTD

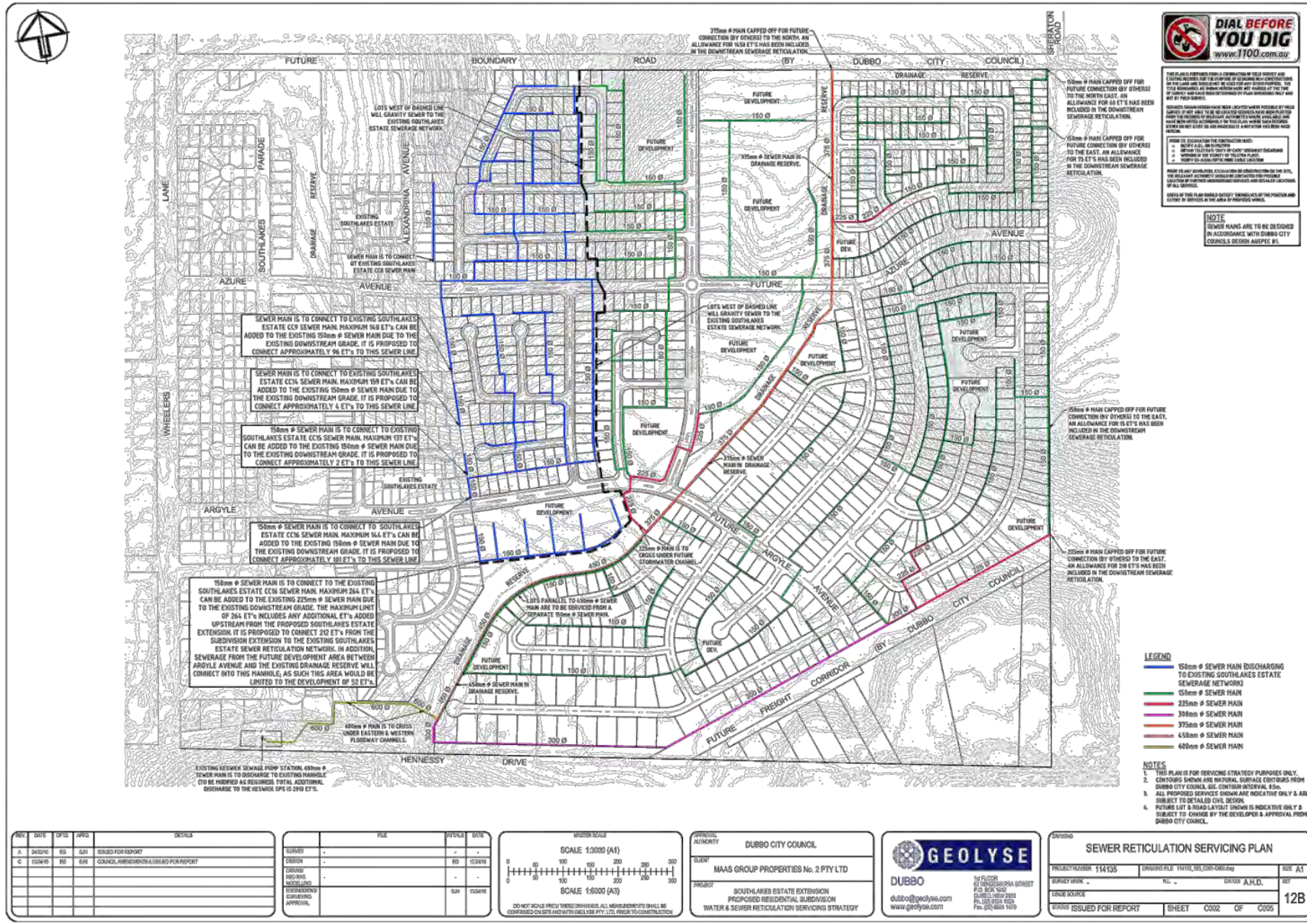
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PROPOSED RESIDENTIAL SUBDIVISION
WATER & SEWER RETICULATION SERVICING STRATEGY

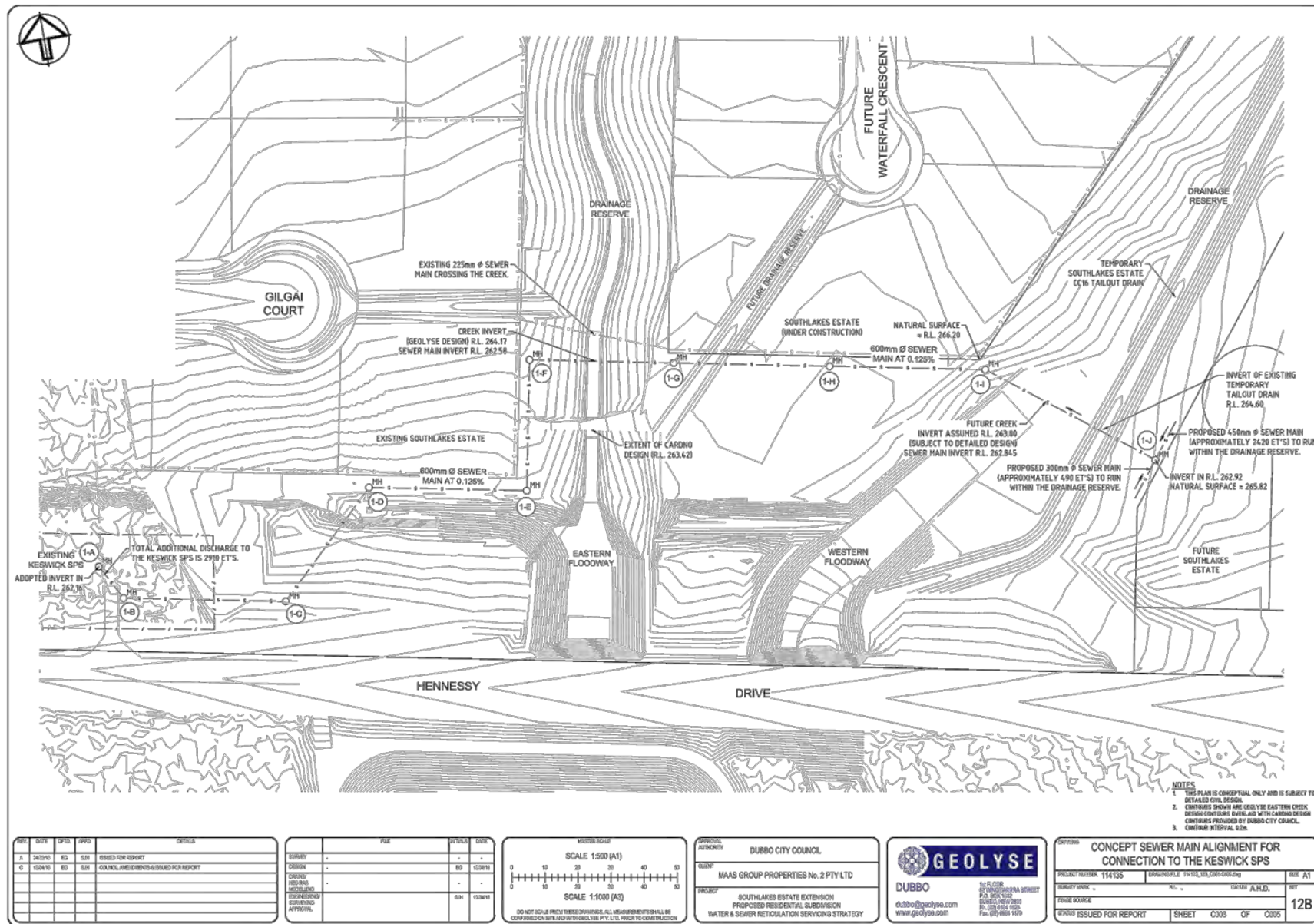
GEOLYSE

DUBBO

14 FLOOR
87 KINGSTOWN STREET
P.O. BOX 1241
DUBBO, NSW 2880
P. 08 9384 9000
F. 08 9384 9100
www.geolyse.com

DUBBO CITY COUNCIL FUTURE SOUTHLAKES ESTATE WATER MODEL			
PROJECT NUMBER	T14135	ORGANISATIONAL ID	114135/00000000
SURVEY WORK	-	DATE	A.H.D.
DRAWN	ISSUED FOR REPORT	SHEET	0003 OF 0003
SCALE	1:1	DATE	25/09/16

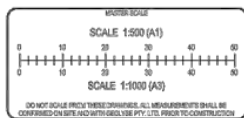




- NOTES**
1. THIS PLAN IS CONCEPTUAL ONLY AND IS SUBJECT TO DETAILED CIVIL DESIGN.
 2. CONTOURS SHOWN ARE GEOLYSE EASTERN CREEK DESIGN CONTOURS OVERLAIN WITH CARBON DESIGN CONTOURS PROVIDED BY DUBBO CITY COUNCIL.
 3. CONTOUR INTERVAL: 0.2m.

REV	DATE	BY	APPD	DETAILS
A	24/03/20	SD	SD	ISSUED FOR REPORT
C	03/04/20	SD	SD	COUNCIL AMENDMENTS/ISSUED FOR REPORT

FILE	REV	DATE
DESIGN	-	-
CHECKED	SD	03/04/20
ISSUED	-	-
FORWARDED	-	-
APPROVAL	SD	03/04/20



APPROVAL AUTHORITY: DUBBO CITY COUNCIL

CLIENT: MAAS GROUP PROPERTIES No. 2 PTY LTD

PROJECT: SOUTHLAKES ESTATE EXTENSION PROPOSED RESIDENTIAL SUBDIVISION WATER & SEWER RETICULATION SERVICING STRATEGY

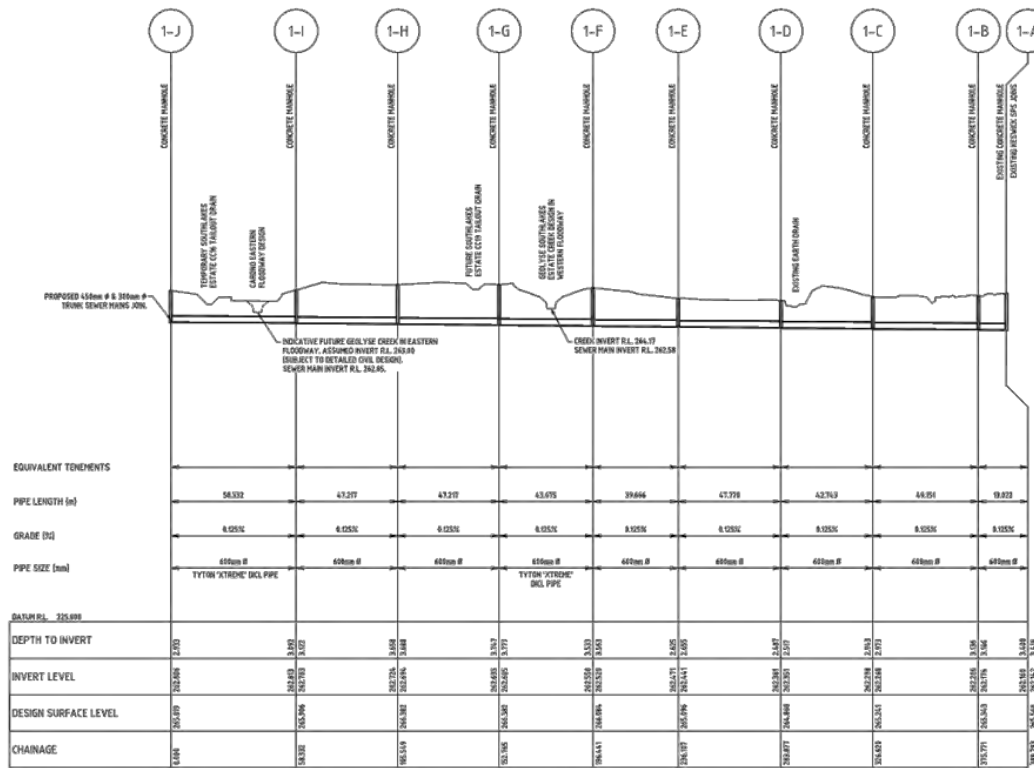
GEOLYSE

DUBBO

1st FLOOR
47 KINGSTON ST
PO BOX 102
DUBBO, NSW 2880
Ph: (02) 9384 9000
Fax: (02) 9384 9009

www.geolyse.com

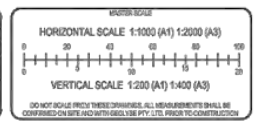
CONCEPT SEWER MAIN ALIGNMENT FOR CONNECTION TO THE KESWICK SPS			
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SURVEY WORK: -	REV: -	DESIGN: A.J.D.	REV: -
SCALE: -	SHEET: C003 OF C005		12B
WORK: ISSUED FOR REPORT			



LINE 1
HORIZONTAL SCALE 1:100 (AS 1080) (A3)
VERTICAL SCALE 1:200 (A3) 1:400 (A3)

REV	DATE	BY	APPD.	DETAILS
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C	15/04/10	ED	SLB	COUNCIL AMENDMENTS & ISSUED FOR REPORT

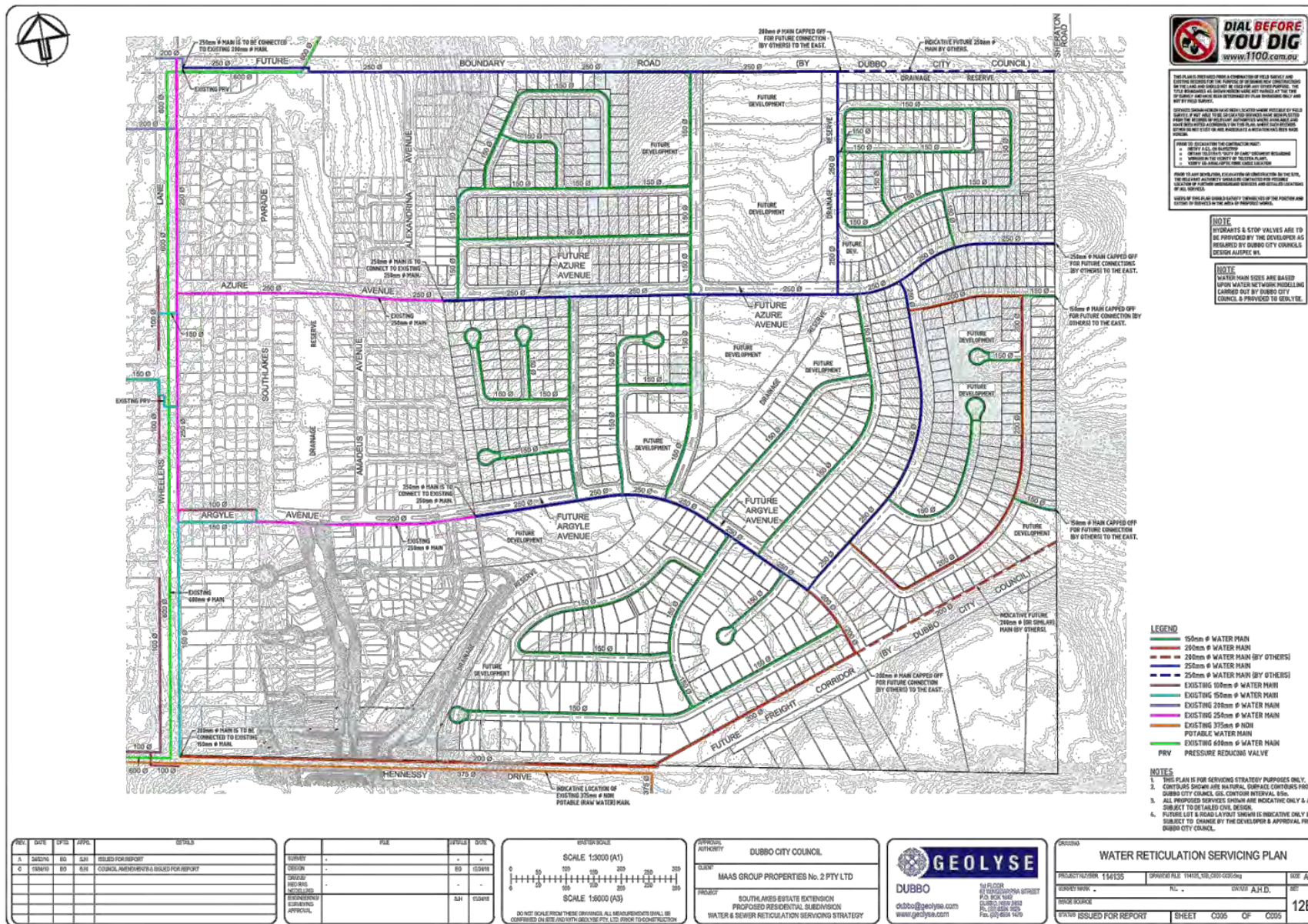
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DESIGN	-	-
CHECKED	-	-
APPROVED	-	-
FORWARDED	-	-
FOR APPROVAL	-	-
DATE	04	15/04/10



APPROVED
DUBBO CITY COUNCIL
CLIENT
MAAS GROUP PROPERTIES No. 2 PTY LTD
PROJECT
SOUTH LAKES ESTATE EXTENSION
PROPOSED RESIDENTIAL SUBDIVISION
WATER & SEWER RETICULATION SERVICING STRATEGY

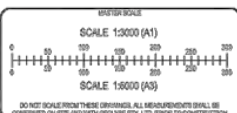
GEOLYSE
DUBBO
14 FLOOR
45 WEST GERRARDS STREET
PO BOX 102
DUBBO, NSW 2880
P: 02 9384 0000
F: 02 9384 1000
www.geolyse.com

CONCEPT 600mm Ø SEWER MAIN LONGITUDINAL SECTION			
PROJECT NUMBER	T14135	DRAWING TITLE	T14135_03_0001.dwg
SHEET NO.	12B	DATE	04/10/10
ISSUED FOR REPORT	SHEET	0004	OF



REV	DATE	CD	APPL	DETAILS
A	24/07/16	ED	5.23	ISSUED FOR REPORT
C	09/08/16	ED	6.03	COUNCIL AMENDMENTS & ISSUED FOR REPORT

NO.	FILE	DATE	BY
1		03/08/16	ED
2		03/08/16	ED
3		03/08/16	ED
4		03/08/16	ED
5		03/08/16	ED



APPROVAL: DUBBO CITY COUNCIL

CLIENT: MAAS GROUP PROPERTIES No. 2 PTY LTD

PROJECT: SOUTH LAKES ESTATE EXTENSION PROPOSED RESIDENTIAL SUBDIVISION WATER & SEWER RETICULATION SERVICING STRATEGY

GEOLYSE

DUBBO

1st FLOOR AT 10/100 SOUTH LAKES DRIVE
 P.O. BOX 1440
 DUBBO NSW 2880
 Ph: (02) 9284 7400
 Fax: (02) 9284 7400

PROJECT: WATER RETICULATION SERVICING PLAN

PROJECT NUMBER: 114135

ISSUED FOR REPORT

SHEET: C005 OF: C005

DATE: 09/08/16

SCALE: AS SHOWN

ISSUED FOR REPORT

Appendix A

STORMWATER MANAGEMENT STRATEGY PREPARED BY GEOLYSE

STORMWATER MANAGEMENT STRATEGY
PROPOSED RESIDENTIAL SUBDIVISION

SOUTHLAKES ESTATE EXTENSION, DUBBO

PREPARED FOR:

MAAS GROUP PROPERTIES PTY LTD

FEBRUARY 2016



POSTAL ADDRESS PO BOX 1963	ORANGE NSW 2800
LOCATION 154 PEISLEY STREET	ORANGE NSW 2800
TEL PHONE 02 6393 5000	FACSIMILE 02 6393 5050
EMAIL ORANGE@GEOLYSE.COM	WEB SITE WWW.GEOLYSE.COM



Report Title:	<i>Stormwater Management Strategy</i>
Project:	<i>Proposed Residential Subdivision</i>
Client:	<i>Maas Group Properties Pty Ltd</i>
Report Ref.:	<i>114135_REO_003A.docx</i>
Status:	<i>Final</i>
Issued:	<i>26 February 2016</i>

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All information contained within this report is prepared for the exclusive use of Maas Group Properties Pty Ltd to accompany this report for the land described herein and is not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.



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Introduction

1.1 BACKGROUND

Maas Group Properties intends to develop a residential subdivision on land to the east of the existing Southlakes Estate subdivision. The extension to Southlakes Estate will complement the existing Southlakes subdivision and have major access points connecting via Azure Avenue and Argyle Avenue to Wheelers Lane and the wider road network.

It is intended that approximately 1,370 dwelling sites be created comprising residential allotments and medium density allotments.

An open space corridor will be created along the central drainage line that separates the subdivision generally from the north east to the southwest of the site. The drainage corridor will be embellished with a series of decorative lakes similar to the existing lakes that have been developed along the existing drainage corridor in Southlakes Estate.

The drainage corridor within the extension to Southlakes Estate is known as the eastern channel whilst the drainage corridor within the existing Southlakes Estate is known as the western channel.

Geolyse Pty Ltd has been commissioned by Maas Group Properties to prepare this Stormwater Management Strategy to accompany a Development Application (DA) for the proposed Residential Subdivision.

1.2 SITE LOCATION

The site is described as Lot 12 in DP 1207280 and Lot 399 in DP 1199356 and is located at 'Southlakes Estate' approximately 4 kilometres south east of the Dubbo Central Business District. The land has a total combined area of approximately 130 hectares. The subject land is bounded by the future extension of Boundary Road to the north, Hennessy Road and its future extension to the south and the eastern extent of the existing 'Southlakes Estate' to the west.

The subject area is largely cleared of native vegetation, featuring open grasslands and gentle slopes. Other features on the site include two (2) existing stock dams.

1.3 PURPOSE OF REPORT

The purpose of this Report is to outline the proposed stormwater management strategy for the development of the residential subdivision. It also presents preliminary design and sizing information for the key components of the stormwater water management strategy for the development of the residential subdivision.

1.4 REPORT STRUCTURE

This report is presented in four sections:

- **Section 1** provides a brief background and presents the report objectives;
- **Section 2** provides background information and details the assessment methodology;
- **Section 3** presents the results of the system and modelling and an outline of the major system components; and
- **Section 4** presents the conclusions and recommendations.



Background Information

2.1 PROPOSED DEVELOPMENT

The subject site has been identified by the developer as a suitable location for the development of a neighbourhood centre, R2 general residential lots, R1 low density residential lots, and public recreation areas.

Vehicular access will be available from Azure Avenue, Argyle Avenue, the future extension of Boundary Road and the future extension of Hennessy Drive.

The overall layout of the proposed development is indicated on **Drawing No. 114135_06A_C001**.

2.2 EXISTING STORMWATER DRAINAGE

The site lies within the catchment of the Eulomogo Creek which ultimately drains to the Macquarie River southwest of the site. The site is at the lower end of the catchment and as a result stormwater flows from the catchment upstream of the site need to be managed as they pass through the site. The internal catchment boundaries are indicated in **Drawing No. 114135_06A_C002**. Further details on these catchments are outlined in **Section 2.3.1 – Sub Catchment Definition**.

A drainage reserve has been created across the site that runs from the intersection of Boundary and Sheraton Roads in the north east corner to the south west corner at Hennessy Road. The site is currently undeveloped with only 2 farm dams and associated contour banks influencing the natural flows across the site.

2.3 SYSTEM MODELLING

2.3.1 EXISTING STUDY

Cardno prepared the *Keswick Drainage Review- Assessment of Trunk Drainage Requirements* Report in 2010 for Dubbo City Council. The Cardno report modelled the entire catchment upstream of Hennessy Road, including the Southlakes Estate extension site. The Cardno report provided peak flows at the outlet of the Southlakes Estate extension site for the existing and post development scenarios (including stormwater detention basins immediately upstream of the Southlakes Estate extension site).

Cardno kindly provided hydrograph and peak flow data to enable Geolyse to replicate their modelling and factor in the expected flows from the upstream catchment.

The Cardno report looked at the trunk drainage requirements for the whole catchment which included a detention basin on the south side of Hennessy Road and detention basins immediately upstream of the Southlakes Estate extension site. Council provided the design drawings for the proposed Hennessy Road detention basin which were also prepared by Cardno.

The Cardno report did not include any detention basins within the Southlakes Estate extension site and as a result detention within the Southlakes Estate extension site was not modelled by Cardno nor has it been determined that detention is required.



2.3.2 STORMWATER QUANTITY

The performance of the proposed stormwater management system was assessed using the XP-RAFTS hydrological model. This model is able to:

- Model spatial and temporal variations in storm rainfall across the catchment;
- Model variations in catchment characteristics;
- Model storage routing effects in drainage lines and basins; and
- Calculate discharge hydrographs at any required location in the catchment.

The analytical technique used in XP-RAFTS involves the division of the catchment into a number of sub-catchments. Sub-catchment outlets are located at the junction of drainage lines, at the site of dams or retarding basins, at points corresponding to significant changes in catchment characteristics, or at any other point of interest.

Data is required on the area and connection sequence of the sub-catchments, together with average catchment slopes, the impervious percentage, and the rainfall data for the design storm being modelled. Additional data is required to model rainfall losses and channel or pipe flow. This information is entered in several different forms depending on the data availability and the degree of refinement desired for the analysis. For this assessment the rainfall losses were modelled as initial and continuing losses.

Model Scenarios

Two catchment models were developed:

- Scenario 1- Post-development- 50% impervious for developed areas within the Southlakes Estate extension (as modelled in the Cardno report)
- Scenario 2- Post-development – 60% impervious for R2 low density residential, 80% impervious for R1 general residential and 95% impervious for the neighbourhood centre within the Southlakes Estate extension.

Sub-Catchment Definition

For both scenarios the site was split into the catchments shown in **Drawing No. 114135_06A_C002**. Catchment parameters were determined from available contour plans.

Cardno provided 100 year ARI hydrographs for the outlets of the proposed detention basins upstream of the Southlakes Estate extension (Sheraton Basin and Boundary Road Basin). The hydrographs were loaded into the model to represent the expected flows from upstream of the site.

Channel Routing

Channel lagging was adopted to model travel times between sub-catchments. The lag time was estimated by considering the distance travelled and adopting an average velocity of 1m/s.

Rainfall Losses

The following initial and continuing losses (as adopted in the Cardno report) were used in the model:

Pervious	Initial loss	16.5 mm
	Continuing loss	5.5 mm/hr
Impervious	Initial loss	1.0 mm
	Continuing loss	0 mm/hr



Design Storms

The catchment was modelled for the 100yr Average Recurrence Interval (ARI) design storm. Design rainfall intensity/frequency/duration (IFD) data and storm temporal patterns were derived using the procedures set out in Australia Rainfall and Runoff (Institution of Engineers Australia, 1997).

Design storm durations from 30 minutes to 12 hours were modelled to determine the critical storm duration, (i.e. the storm that produced the highest peak flow) for both undeveloped and developed cases.



Stormwater Management Strategy

3.1 CONCEPT STORMWATER MANAGEMENT STRATEGY

3.1.1 STORMWATER MANAGEMENT OBJECTIVES

The objectives adopted for stormwater management at the site are to:

- provide safe and efficient stormwater conveyance through the Southlakes Estate extension; and
- protect downstream drainage systems against construction and long term impacts.

3.1.2 CONCEPT LAYOUT

The concept stormwater management system for the site is shown on **Drawing 114135_06A_C003**. Preliminary sizing of the main system components has been undertaken to demonstrate that it can meet the proposed stormwater management objectives. The final system is subject to further detailed assessment during the detailed design stage to ensure it complements the proposed development layout.

The site drains generally in a south westerly direction with developed areas discharging to the drainage reserve at road crossings or other locations determined by the existing contours.

The concept stormwater management system includes the following major components.

Pipe and Open Drain System

The stormwater conveyance system would comprise of pipes and grassed open drains. Generally, pipes would be used for the interallotment drainage system and road drainage where kerb and guttering is proposed. Discharge from the pipe system would generally be directly into the drainage reserve discharging via suitably sized GPT's.

The drainage reserve was also modelled as an open channel similar in cross section to that designed for the existing Southlakes Estate to the west of the site. Decorative lakes were also included in the model at key locations. A HEC-RAS model was created to confirm that the expected flows in the channel would be contained within the channel.

Pipes would be used as required to convey flow beneath roads. The interallotment and roadway pipe systems would be designed to convey peak discharge for a 1 in 10 year ARI storm in accordance with Council requirements. Open drains would be designed to convey overland flow at a safe depth and velocity and with a minimum freeboard of 300mm.

Culverts at the extensions of Azure Avenue and Argyle Avenue at the drainage reserve crossing points will also be required. Preliminary sizing indicates that 5 x 3m x 1.2m reinforced concrete box culverts will be required beneath Azure and Argyle Avenues to convey the expected 100year ARI peak storm flows without overtopping the roads at these locations.

Constructed Detention Basins

It is not proposed to provide any stormwater detention within the Southlakes Estate site as the Cardno report had not included detention within the site.



3.2 STORMWATER MODELLING RESULTS

3.2.1 PEAK SITE DISCHARGE

As no stormwater detention is proposed within the site the peak flows discharging from the site at Hennessy Drive were compared to the peak flows provided by Cardno. A summary of the peak flows estimated by Cardno and the two scenarios modelled by Geolyse are provided in **Table 3.1** below.

The final configuration of the proposed stormwater management system is subject to detailed design at which stage some adjustment to the design levels may occur. The design objectives would however remain unchanged.

Table 3.1 – Peak 100 year ARI flows at Hennessy Road

Cardno Report (m3/s)	Geolyse Scenario 1 (m3/s)	Geolyse Scenario 2 (m3/s)
21.72	22.69	25.50

The figures in **Table 3.1** show that the Geolyse Scenario 1 model correlates well with the figure provided by Cardno (both assume 50% impervious for developed areas). The peak flow reported for Geolyse Scenario 2 shows an increase of 2.81m³/s (12%) over Geolyse Scenario 1 and an increase of 3.78m³/s (17%) over the Cardno report figure.

The Geolyse Scenario 2 more accurately reflects the expected impervious percentages within the Southlakes Estate development. Given the location of the Southlakes Estate at the lower end of the catchment and the designed bypass of the proposed Hennessy Drive basin from the eastern floodway it is not expected that the modelled increase in flows will have any detrimental effect on flooding downstream of the site or operation of the Hennessy Drive basin.

3.2.2 DRAINAGE RESERVE CHANNEL

A concept design of the proposed drainage reserve channel was prepared using available digital elevation data to allow preliminary hydraulic modelling and channel sizing to be undertaken. The concept channel design was based on the channel design prepared for the existing Southlakes Estate to the west of the Southlakes Estate extension. A typical section of the concept drainage reserve channel is shown on **Drawing 114135_06A_C003**.

A HEC RAS model was prepared based on the concept design of the drainage reserve channel to allow preliminary hydraulic modelling of the expected flows to be undertaken. The HEC RAS model assumed a downstream water level of 264.34m AHD as this is the 1 in 100 year ARI design peak Hennessy Road basin water level as shown on the Cardno drawing 4937-CD076 Rev 01.

The hydraulic profile of the expected 100 year ARI flow within the concept drainage reserve channel design is shown below in **Figure 1**.

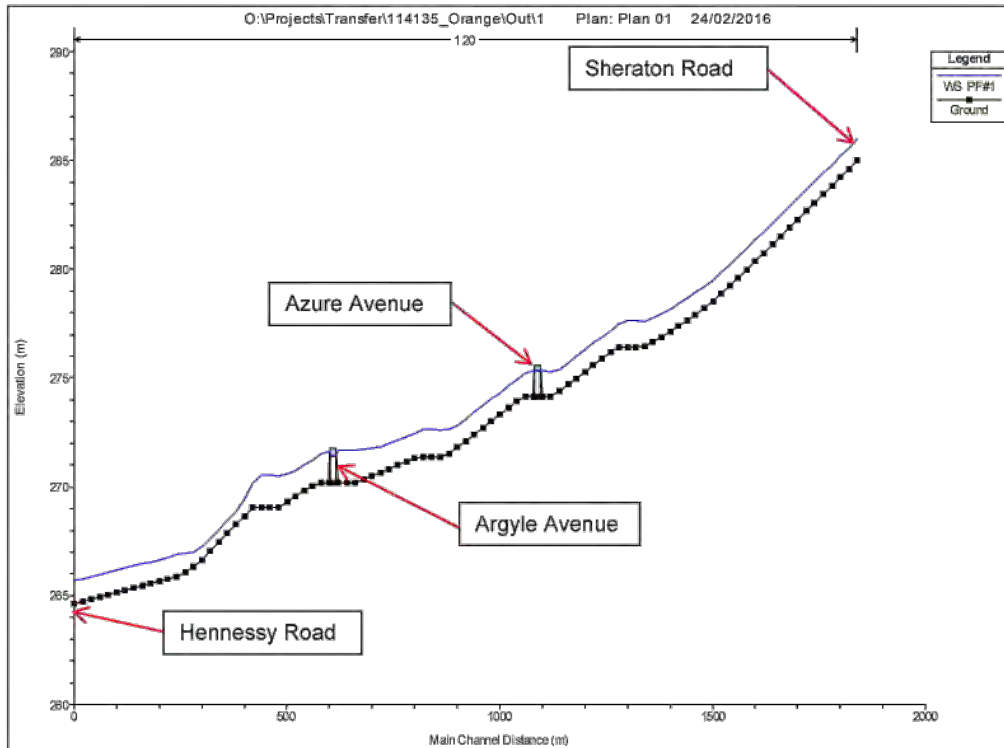


Figure 1: Concept HEC RAS Hydraulic Profile

Depths of flow in the drainage reserve channel ranged from 0.97m at the upstream end to 1.5m through the decorative lake at chainage 480. Velocities ranged from 0.53-2.54m/s.

The preliminary hydraulic modelling showed that the expected flows from Scenario 2 were contained within the concept design drainage reserve channel and the Argyle and Azure Avenue culverts were not overtopped.



Conclusion

This report presents an assessment of the proposed stormwater management strategy for the extension of the Southlakes Estate residential subdivision proposed by Maas Group Properties. The results show that the proposed stormwater management system results in a slightly higher peak discharge from the site at Hennessy Drive than that determined by Cardno. However, given the location of the Southlakes Estate at the lower end of the catchment and the designed bypass on the Hennessy Drive basin it is not expected that the modelled increase in flows will have any detrimental effect on flooding downstream of the site.

It is proposed to construct a minor/major drainage system for the extension of Southlakes Estate with the minor system consisting of stormwater pits and pipes that would convey minor flows to the drainage reserve running through the site. Major flows would be conveyed along road reserves and drainage easements to the drainage reserve running through the site. In accordance with the overall stormwater strategy for the catchment no on-site detention is proposed within the Southlakes Estate. All system components would be subject to further detailed assessment and design during the engineering design phase, based on the principles outlined in this assessment.



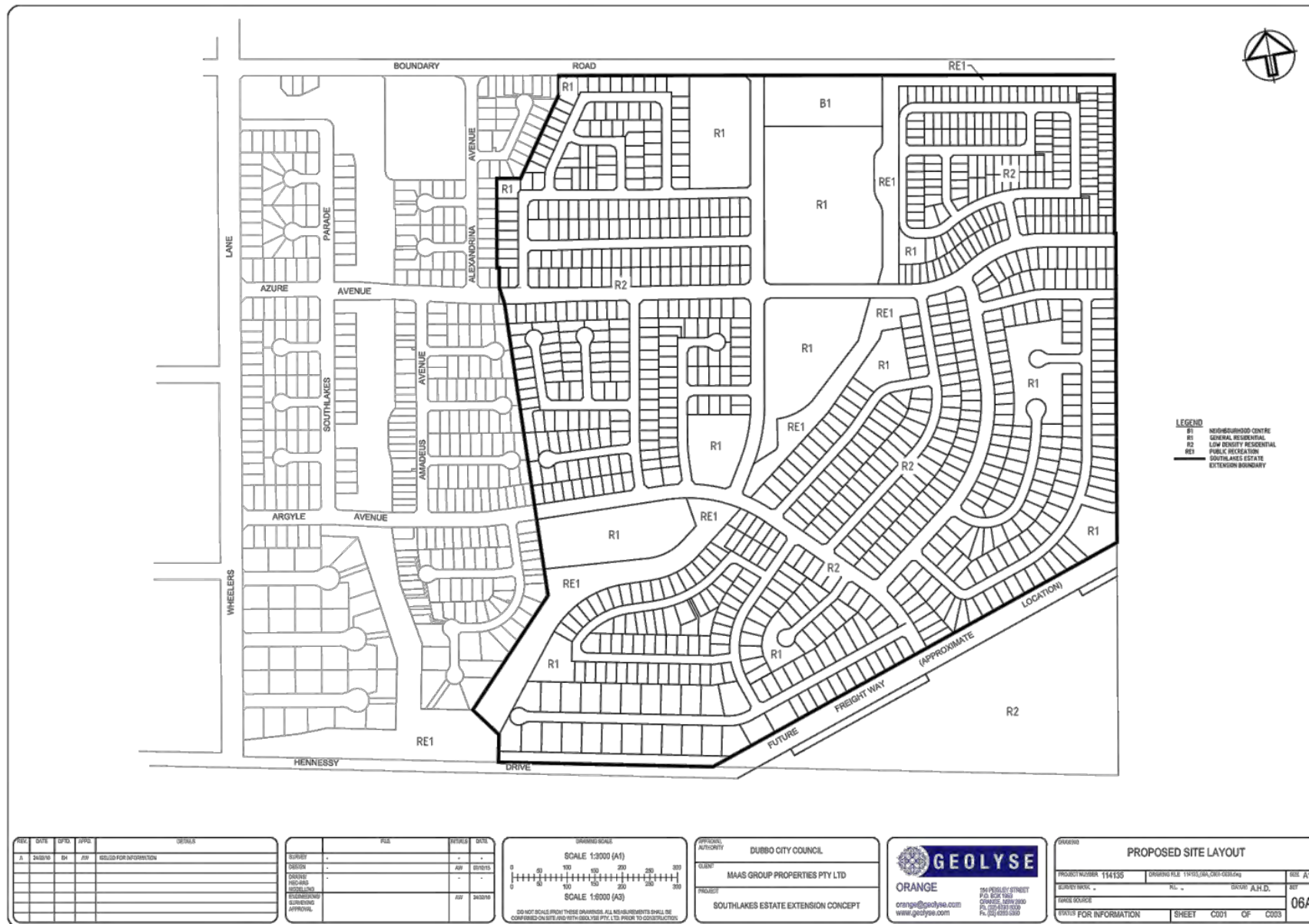
STORMWATER MANAGEMENT STRATEGY
PROPOSED RESIDENTIAL SUBDIVISION
MAAS GROUP PROPERTIES PTY LTD

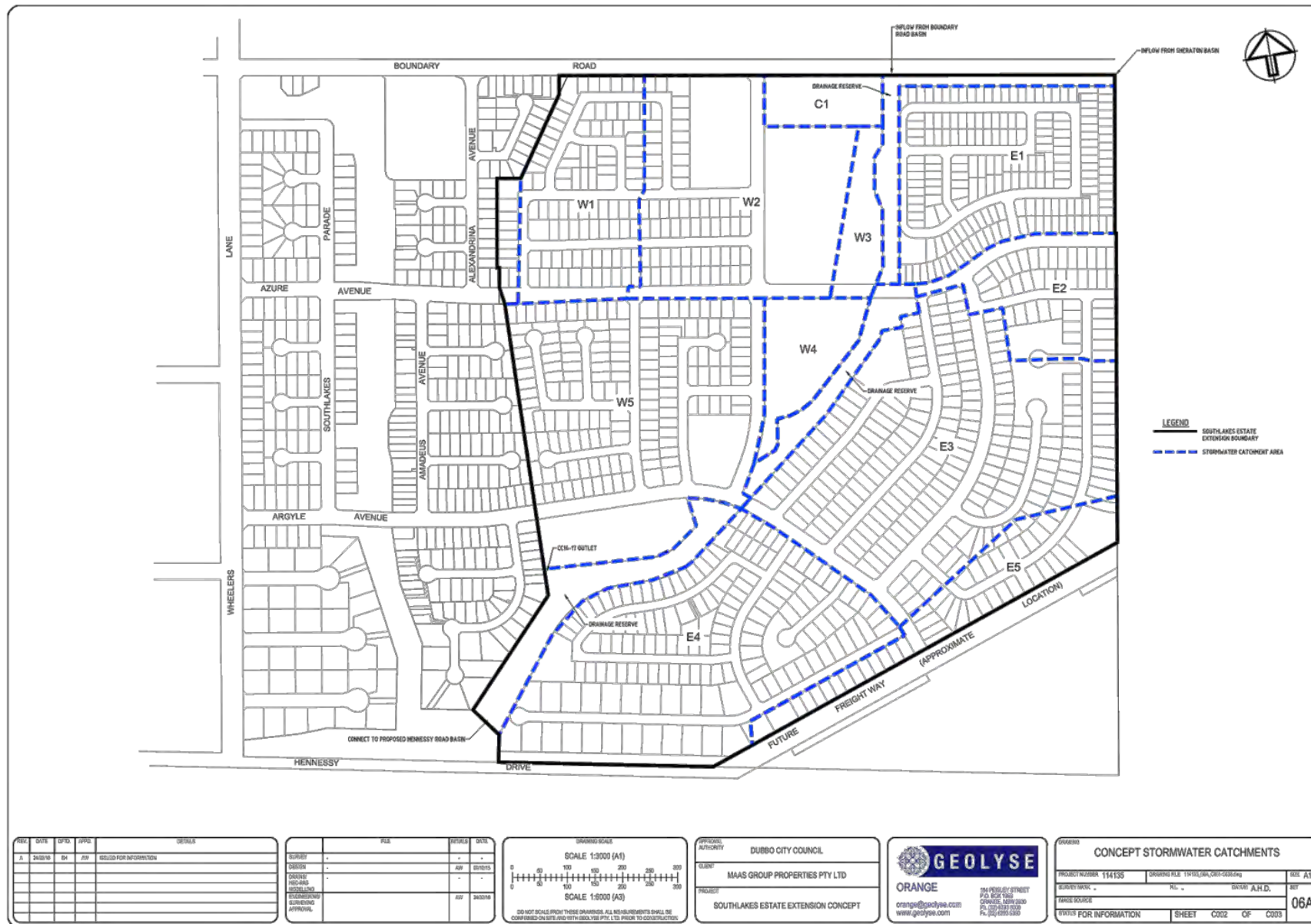
References

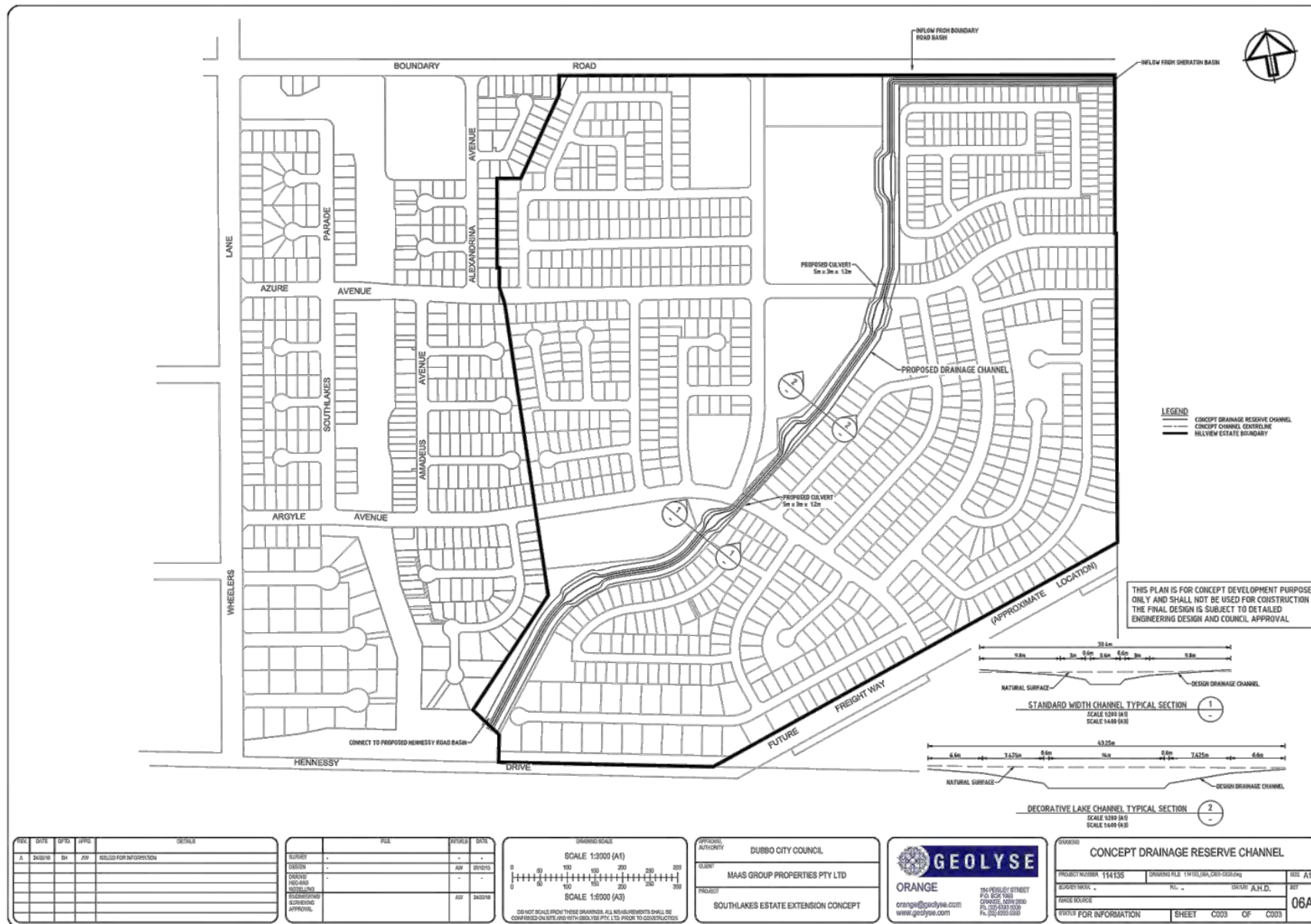
Institute of Engineers, 1997 *Australian Rainfall and Runoff Volume 1*

Cardno, 2010. *Keswick Drainage Review- Assessment of Trunk Drainage Requirements (Report No. W4823-1)*

Drawings







WESTERN
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Incorporating the former
Dubbo City & Wellington councils

REPORT: Draft Southlakes Estate Development Control Plan 1

AUTHOR: Manager City Strategy Services

REPORT DATE: 17 May 2016

TRIM REFERENCE: ID16/294

EXECUTIVE SUMMARY

Council has been provided with a draft site-specific Development Control Plan by the owners of Lot 399 DP 1199356, Boundary Road, Dubbo and Lot 12 DP 1207280, 32 Azure Avenue, Dubbo. The subject land is situated in the South-East Dubbo Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011 (Dubbo LEP).

The draft Development Control Plan (draft DCP) has been prepared as a requirement of Clause 6.3 of the Dubbo LEP to facilitate development of a component of the subject lands. The draft DCP is required to be prepared prior to any development on the land including development for the purposes of residential land subdivision.

The draft DCP is proposed to apply to a section of the subject lands. A further site-specific Development Control Plan will be required to be prepared to facilitate development across the balance of the subject lands following the overall completion of planning processes by the owners of the land.

This draft DCP has been prepared utilising a similar structure, form and content as the Dubbo Development Control Plan 2012 (Dubbo DCP 2012). It is considered that this will aid in the understanding of the Plan by the Dubbo building and development industry and ensure a level of parity is provided between the expectations of the Dubbo DCP 2012 and the draft DCP.

The draft DCP has been prepared in a number of separate components which are consistent with the structure of the Dubbo DCP 2012. The draft DCP consists of the following components:

- Introduction
- Residential Subdivision (Dwellings and Dual Occupancies)
- Residential Design (Dwellings and Dual Occupancies)

This report recommends that the draft Southlakes Development Control Plan 1 be adopted by Council for the purposes of public exhibition and for the draft DCP to be placed on public display in accordance with the requirements of the Environmental Planning and Assessment Regulation, 2000 for a period of not less than 28 days.

Following completion of the public exhibition period, a further report will be provided to Council for consideration.

FINANCIAL IMPLICATIONS

The proponent has paid a fee of \$7,000 to Council in accordance with Council's Dubbo Branch, Revenue Policy for the preparation and assessment of a development control plan.

POLICY IMPLICATIONS

If adopted by Council, the draft Southlakes Development Control Plan 1 will form a Council Policy document, will guide the undertaking of development on the subject site and will be required to be considered by Council in the assessment and determination of any future development applications on the subject area of the site.

RECOMMENDATION

- 1. That the draft Southlakes Estate Development Control Plan 1 as provided here in Appendix 1 be adopted for the purposes of public exhibition.**
- 2. That the draft Southlakes Estate Development Control Plan 1 be placed on public exhibition for a period of no less than 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.**
- 3. That a further report be presented to Council for consideration following completion of the public exhibition period.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

The Dubbo Local Environmental Plan 2011 (Dubbo LEP) was gazetted on 11 November 2011. The Dubbo LEP identifies three Residential Urban Release Areas including the following:

- North-west Residential Urban Release Area
- South-west Residential Urban Release Area
- South-east Residential Urban Release Area

The Dubbo LEP zoned land in the defined Dubbo Residential Urban Release Areas for the purposes of residential development that could yield approximately 5,881 residential allotments.

The defined Dubbo Residential Urban Release Areas have been identified in the Dubbo Residential Urban Areas Development Strategy since 1996 as providing for the logical expansion of residential development opportunities in the City.

The general location of the defined Dubbo Residential Urban Release Areas is shown in Figure 1.



Figure 1. Defined Residential Urban Release Areas – Dubbo Local Environmental Plan 2011

The subject lands as contained in the South-East Residential Urban Area are shown in Figure 2.



Figure 2. Southlakes Estate

REPORT

1. Dubbo Local Environmental Plan 2011

Part 6 of the Dubbo Local Environmental Plan 2011 provides specific requirements for the development of land situated within defined Residential Urban Release Areas (URAs). In particular, Clause 6.3 of the Dubbo LEP 2011 states as follows:

“6.3 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*

- (2) *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*
- (3) *The development control plan must provide for all of the following:*
- (a) *a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*
 - (b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
 - (c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
 - (d) *a network of passive and active recreational areas,*
 - (e) *stormwater and water quality management controls,*
 - (f) *amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
 - (g) *detailed urban design controls for significant development sites,*
 - (h) *measures to encourage higher density living around transport, open space and service nodes,*
 - (i) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
 - (j) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.”*

Accordingly, a site-specific Development Control Plan is required to be prepared in accordance with Clause 6.3 prior to any subdivision of land situated in a Residential Urban Release Area. This will mean that the Dubbo Development Control Plan 2012 will not apply for any residential development undertaken on the subject lands.

2. Southlakes Estate Development Control Plan 1

The owner of Lot 399 DP 1199356 and Lot 12 DP 1207280 has prepared a draft site-specific Development Control Plan (draft DCP) in accordance with Clause 6.3 of the Dubbo LEP to facilitate development of a component of the subject lands as shown in Figure 3.

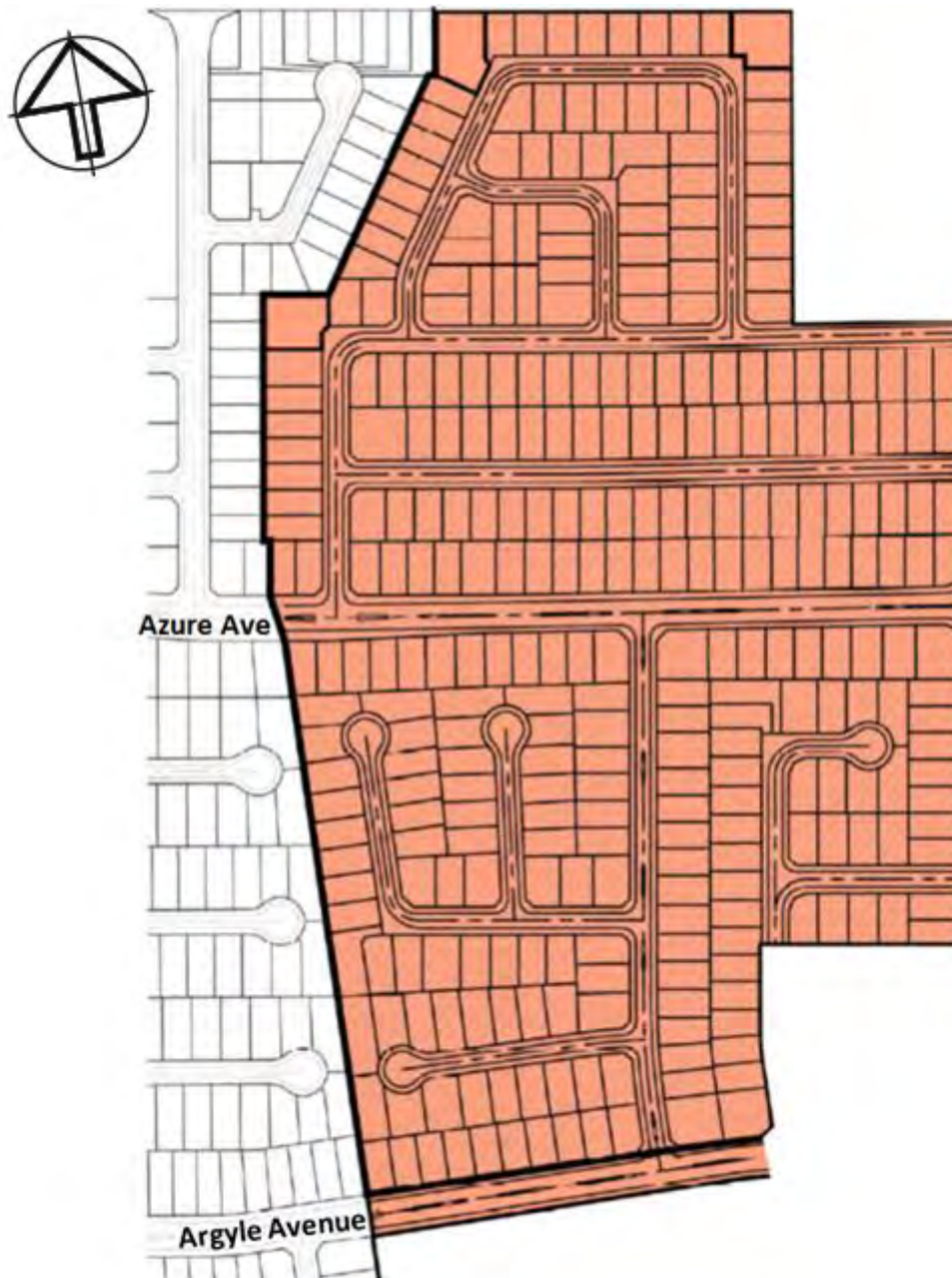


Figure 3. Southlakes Development Control Plan 1 – Subject Lands

The subject draft DCP is proposed to only apply to development undertaken on the land as identified above. A further site-specific DCP will be required to be prepared by the owner of the land to facilitate development over the balance of the subject site.

The draft DCP has been prepared utilising a similar structure, form and content as the Dubbo Development Control Plan 2012 (Dubbo DCP 2012). It is considered that this will aid in understanding of the Plan by the Dubbo Building and Development Industry and ensure a level of parity is provided between the expectations of the Dubbo DCP 2012 and the draft DCP.

The draft DCP has been prepared in a number of separate components, which is consistent with the structure of the Dubbo DCP 2012. The draft DCP consists of the following components:

- Introduction;
- Residential Subdivision (Dwellings and Dual Occupancies); and
- Residential Design (Dwellings and Dual Occupancies).

(i) Part 1 Introduction

This section of the draft DCP provides a number of administrative components required by the provisions of the Environmental Planning and Assessment Act, 1979 and details where this specific Plan will be applicable to development undertaken.

In addition, this section also specifies how Council will publicly notify any residential development applications undertaken on the subject lands.

(ii) Part 2 Residential Development and Subdivision

Residential Subdivision (Dwellings and Dual Occupancies)

This section of the draft DCP guides and provides specific requirements to assist in the undertaking of residential subdivision of the subject lands. The role of this section is to also ensure the design of subdivisions take into account a number of planning and infrastructure provisions in the following areas:

- Element 1 Streetscape character and building design
- Element 2 Lot layout
- Element 3 Public open space and landscaping
- Element 4 Infrastructure
- Element 5 Street design and road hierarchy
- Element 6 Pedestrian and cycle links
- Element 7 Stormwater management
- Element 8 Water quality management

Residential Design (Dwellings and Dual Occupancies)

This section of the draft DCP guides and provides specific requirements to assist in the planning, design and undertaking of residential development. The role of this section (and indeed the draft DCP) is not to provide prescriptive standards for how development should look; it is to ensure development proponents can be guided in understanding how site responsive design should be undertaken. This section of the draft Plan provides guidance across a number of elements including the following:

- Element 1 Streetscape character
- Element 2 Building set-back

- Element 3 Solar access
- Element 4 Private open space and landscaping
- Element 5 Infrastructure
- Element 6 Visual and acoustic privacy
- Element 7 Vehicular access and car parking
- Element 8 Waste management
- Element 9 Site facilities
- Element 10 Environmental management
- Element 11 Non-residential uses
- Element 12 Signage

3. Future Direction

Following Council's consideration of the report, the draft DCP is required to be placed on public exhibition for a period of no less than 28 days in accordance with the requirements of Clause 18 of the Environmental Planning and Assessment Regulation, 2000. In addition, Council will also notify adjoining and adjacent property owners of the public exhibition.

Following completion of the public exhibition period, a further report will be provided to Council for consideration.

It should be noted that Council cannot grant approval to any subdivision development undertaken on the subject land until the draft DCP has been publicly exhibited and adopted by Council.

SUMMARY

The owner of Lot 399 DP 1199356, Boundary Road, Dubbo and Lot 12 DP 1207280, 32 Azure Avenue, Dubbo, has prepared a draft site-specific Development Control Plan (draft DCP) in accordance with Clause 6.3 of the Dubbo LEP 2011 to facilitate development of a component of the subject lands.

The draft DCP has been prepared utilising a similar structure, form and content as the Dubbo Development Control Plan 2012 (Dubbo DCP 2012). It is considered that this will aid in understanding of the Plan by the Dubbo Building and Development Industry and ensures a level of parity is provided between the expectations of the Dubbo DCP 2012 and the draft DCP.

This report recommends that the draft Southlakes Development Control Plan 1 be adopted by Council for the purposes of public exhibition and for the draft DCP to be placed on public display in accordance with the requirements of the Environmental Planning and Assessment Regulation, 2000 for a period of no less than 28 days.

D

Appendices:

- 1 Draft Southlakes Development Control Plan 1



Southlakes Estate Development Control Plan 1

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Part 1 Introduction

1.1 Name and Application of this Plan

This Development Control Plan is known as the Southlakes Estate Development Control Plan (DCP) Number 1.

1.2 Purpose of this Plan

The purpose of this Plan is to:

- Provide guidance to developers/applicants in the design of development proposals for land to which this Plan applies.
- Communicate the planning, design and environmental objectives and controls against which the Consent Authority would assess Development Applications in the Southlakes Estate.
- Provide guidance on the orderly, efficient and environmentally sensitive development of the Southlakes Estate.
- Promote quality urban design outcomes within the context of environmental, social and economic sustainability.

1.3 Savings and Transitional Arrangements

If a development application is made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application may be determined as if this Plan had not commenced.

1.4 Statutory Context

This Plan has been prepared by Council in accordance with Section 74C of the Environmental Planning and Assessment Act, 1979 (the Act) and Part 3 of the Environmental Planning and Assessment Regulation, 2000.

The Plan was adopted by Council at the meeting on_____. The Plan commenced on _____.

The Plan should be read in conjunction with the Dubbo Local Environmental Plan 2011 and the Dubbo Development Control Plan 2012.

1.5 Application of Plan

This Plan applies to land zoned R2 Low Density Residential within the area identified in Figure 1 below within Lot 12 DP 1207280, Lot 399 DP 1199356 and Lot 503 DP 1152321, only, of the South-East Dubbo Residential Release Area:

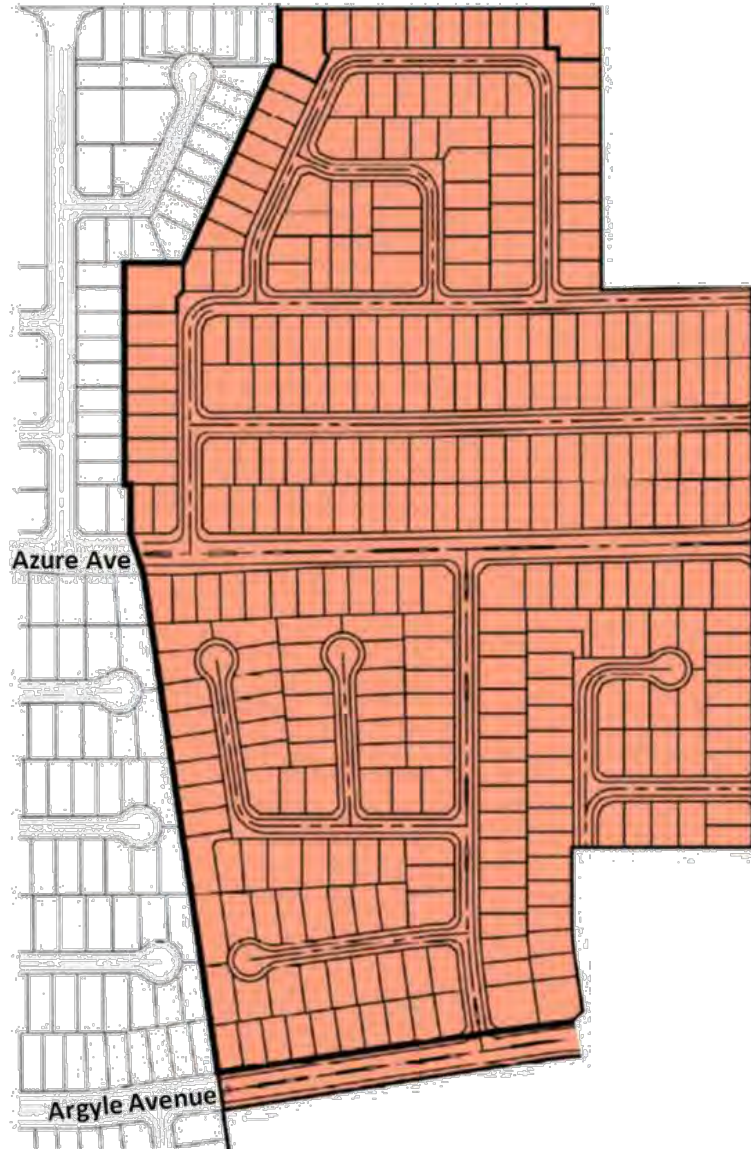


Figure 1. Area to which this Plan applies

1.6 Background

This Plan has been written to guide residential development of the subject land. The development controls provided here rely on proponents demonstrating how development of the land meets the objectives of each relevant element and the associated performance criteria.

1.7 Relationship to other plans and documents

Under the Environmental Planning and Assessment Act, 1979 (the EP&A Act), Council is required to take into consideration the relevant provisions of this Plan in determining an application for development on land to which this Plan applies.

In the event of any inconsistency between an Environmental Planning Instrument (EPI) and this Plan, the provisions of the EPI will prevail.

Council in the assessment of a development application will consider all matters specified in Section 79C of the Environmental Planning and Assessment Act, 1979. Compliance with any EPI or this Plan does not infer development consent will be granted.

1.8 How to use this Plan

When preparing a development application, all relevant sections of the Plan are required to be considered.

The majority of sections in the Plan incorporate design elements that are required to be considered and addressed by a proponent in the design process.

Each section of the Plan has a consistent format to allow for ease of use and understanding. The objectives of each section are stated at the top of the page and the proposed development is required to focus on satisfying these objectives.

Below the objectives is a table with two columns. The column on the left outlines the aim of the design element, while the column on the right offers default design guidelines that an applicant can choose to use in their development in lieu of designing to satisfy the intent of the column on the left.

In summary, the column on the left provides more flexibility in design, while the column on the right provides standard solutions that are acceptable to Council.

If a proponent chooses not to use the 'Acceptable Solutions' in the right hand column, written detail must be provided with any development application of how the design satisfies the 'Performance Criteria' in the left hand column.

An example of how an element of the Plan is structured is provided as follows.

Performance criteria The streetscape character objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Built form P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door or living room window facing the street. A1.2 Where dual occupancies are situated on corner blocks (where one is not a lane), the development is designed to face each street frontage.
P2 Building height at the street frontage maintains a compatible scale with adjacent development.	A2.1 Differences in building height between existing buildings and new development is not more than one storey when viewed from the public street and adjoining properties. A2.2 Where a building is adjoined on either side by a single storey building, the second storey is setback a minimum of 3 m from the front of the building to achieve a stepped height. A2.3 The design includes attic rooms which provide additional floor space with minimal streetscape impact.

1.9 Strategic Context

Dubbo Urban Areas Development Strategy 1996

The Dubbo Urban Areas Development Strategy 1996 has facilitated the creation of a range of lifestyle options for the urban area of the city. Through the restriction of urban development to a defined area, Council is seeking to protect the long-term future of agricultural land located beyond the urban area.

These lifestyle options have been developed through the Dubbo Urban Areas Development Strategy (UADS) adopted by Council in 1996 and the Review of the UADS adopted by Council in 2007. The Dubbo Local Environmental Plan (LEP) 2011 facilitates achievement of the Strategy components in zoning land for the sustainable development of the city.

The following figure details the context of the planning documents applicable to residential lands.



The Dubbo Urban Areas Development Strategy consists of the following components:

- Residential Areas Development Strategy;
- Commercial Areas Development Strategy;
- Industrial Areas Development Strategy;
- Institutional Areas Development Strategy;
- Recreational Areas Development Strategy; and
- Future Directions and Structure Plan

The Urban Areas Development Strategy was created to manage the development and conservation of land within the urban area of the city through ensuring the Central Business District is the centre of the City.

Re-centralisation of the Dubbo Central Business District will be facilitated by further residential development being undertaken in west Dubbo. The Strategy includes extensive areas in north-west and south-west Dubbo as being suitable for further residential development to incorporate the following:

North-west sector – 2,600 lots (approximately)
 South-west sector – 3,281 lots (approximately)

The Dubbo Local Environmental Plan 2011 offers a range of lot sizes in the West Dubbo Urban Release Areas, ranging from 600 square metres to 20 ha. This ensures a variety of lifestyle opportunities can be provided with a close proximity to the city centre.

The Strategy also allows for infill subdivision opportunities in the south-east sector with the Dubbo LEP 2011 allowing for the potential development of 1,059 lots within this sector. The subdivision considered by this Plan is in the south- east sector.

The Strategy does not provide for any further reduction in the minimum lot size for subdivision in the eastern sector of the city based on centralisation of the Central Business District to the west, environmental constraints, infrastructure provision and transport requirements.

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

Council has prepared a Stage 1 Structure Plan for the South-East Dubbo Residential Urban Release Area. The role of the Stage 1 Structure Plan is to set the overall direction for development in the South-East Dubbo Residential Urban Release Area and in particular the Southlakes Estate. The Stage 1 Structure Plan also informs land use decisions in the Dubbo LEP 2011 and will allow developers in the area to pursue partial development having regard to overall infrastructure and servicing constraints.

The objectives of the Stage 1 Structure Plan are to:

- Identify the opportunities and constraints of the land and the anticipated needs of the community;
- Broadly indicate the likely future development potential of the area;
- Enable the characteristics of the area to determine the most appropriate location and form for future development;
- Provide a broad context of the consideration, by Council, of individual rezoning submissions within the area; and
- Establish a vision and set of development objectives which future development proposals will be required to meet.

1.10 Urban Release Areas

Development of the subdivision considered in this Plan has been undertaken in accordance with Part 6 of the Dubbo Local Environmental Plan 2011. The relevant Clauses contained in Part 6 of the Dubbo LEP 2011 are provided below:

Clause 6.1 Arrangements for designated State public infrastructure

- (1) *The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.*
- (2) *Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.*

The Department of Planning and Environment has undertaken consultation with State Public Agencies to consider the provision of State infrastructure in the South- East Residential Urban Release Area.

The former Dubbo City Council was provided with certification from the Director General of the Department of Planning on 17 December 2012 for the provision of State public infrastructure. This certification means that no contributions are required from developers in the South-East Dubbo Residential Urban Release Area towards the provision of State public infrastructure.

Clause 6.2 Public Utility Infrastructure

- (1) *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

Subdivision of the land is required to provide all urban infrastructure to facilitate residential development, this includes road infrastructure, power, sewerage, water, stormwater drainage and telecommunications prior to residential development being undertaken.

Clause 6.3 Development Control Plan

- (1) *The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*
- (2) *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*
- (3) *The development control plan must provide for all of the following:*
 - a) *a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*

- b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- d) *a network of passive and active recreational areas,*
- e) *stormwater and water quality management controls,*
- f) *amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- g) *detailed urban design controls for significant development sites,*
- h) *measures to encourage higher density living around transport, open space and service nodes,*
- i) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- j) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

This Plan has been prepared in accordance with Clause 6.3 and contains all applicable information.

1.11 Notification of Development

Council will generally not publicly notify any development applications for residential accommodation within the area to which the Plan applies. However, if in the opinion of the Council a proposed development could impact the amenity of surrounding development, Council may publicly notify and/or advertise the development application in the local newspaper.

Any development application received by Council for non-residential development will be publicly notified to adjoining and adjacent property owners in the immediate locality who in the opinion of Council may be impacted by the proposed development.

Part 2 Residential Development and Subdivision

2.1 Residential Subdivision Controls (Dwellings and Dual Occupancy)

This section is designed to encourage current 'best practice' solutions for subdivision design. The achievement of pleasant, safe and functional subdivision is the main objective for subdivision design.

This section lists subdivision design elements under the following headings:

- Element 1 Streetscape character and building design
- Element 2 Lot layout
- Element 3 Public open space and landscaping
- Element 4 Infrastructure
- Element 5 Street design and road hierarchy
- Element 6 Pedestrian and cycle links
- Element 7 Stormwater management
- Element 8 Water quality management

Each design element has been structured so that it contains:

- 'Objectives' for each design element that describe the required outcomes;
- 'Performance criteria' which outlines the range of matters which shall be addressed to satisfy the objectives (i.e. the performance criteria explains how an objective is to be achieved);

Note: Not all performance criteria will be applicable to every development.

- 'Acceptable Solutions' which are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory; and
- 'References' to relevant clauses of the Dubbo LEP 2011, other relevant legislation, Council policies and literature relevant to the design element.

Element 1. Streetscape Character and Building Design

Introduction

Successful neighbourhoods have a sense of community, are designed to promote social interaction, are pleasant and have a high level of safety for residents and visitors. Good neighbourhood design assesses how residents will interact within the neighbourhood and considers the street and pedestrian networks in addition to housing.

Objectives

- To provide neighbourhoods that offer opportunities for social interaction;
- To encourage aesthetically pleasing neighbourhood designs that caters for a broad diversity of housing needs;
- Ensures motor vehicles do not dominate the neighbourhood; and
- To encourage walking and cycling.

Performance criteria		Acceptable solutions	
The streetscape character and building design objectives may be achieved where:		The acceptable solutions illustrate one way of meeting the associated performance criteria:	
P1	Natural and cultural features in the area are emphasised and enhanced in the design of neighbourhoods.	A1.1	Watercourses, natural vegetation and heritage items are retained and emphasised in the design.
P2	The layout provides for community focal points and public open space that promotes social interaction and caters for a range of uses by the community.	A2.1	Pedestrian connectivity is maximised within and between each residential neighbourhood with a particular focus on pedestrian routes connecting to public open space, bus stops, educational establishments and community/recreation facilities.
P3	The layouts of street blocks establish a clear urban structure and are of a size and length that promotes and encourages walking and cycling.	A3.1	Street blocks are to be generally a maximum of 250 m long and 90 m deep.
P4	Neighbourhood design provides for passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime.	A4.1	The subdivision layout minimises narrow pedestrian pathways between or behind development (for example, at cul-de-sac heads) and sound barriers and fencing which remove or reduce passive surveillance of higher order roads.

<p>Performance criteria The streetscape character and building design objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<p>A4.2 Neighbourhood design enhances legibility and way-finding through an easily-understood street layout and provides vistas towards natural features and buildings.</p> <p>A4.3 Neighbourhoods are designed with high levels of physical connectivity for pedestrians, cyclists and vehicles, both within and to adjacent neighbourhoods.</p>
<p>P5 Street networks provide good external connections for local vehicle, pedestrian and cycle movements.</p> <p>Street design promotes functional movement while limiting speed and detours through traffic.</p>	<p>A5.1 The overall subdivision development shall achieve a minimum Internal Connectivity Index (ICI) score of 1.30.</p> <p>A5.2 In the case of staged subdivision development, an individual stage/s of a subdivision may have an Internal Connectivity Index score below 1.30. However, the Internal Connectivity Index score of the overall Southlakes Residential Housing Estate must be maintained at a minimum of 1.30.</p> <p>Note: The importance of a well-connected subdivision which can be achieved through a good ICI is further explained in the following section.</p>

Internal Connectivity Index

The Internal Connectivity Index (ICI) is calculated by the number of street links divided by the number of street nodes (Ewing, 1996). A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac, including road segments leading from the adjoining highway network or adjacent development.

A node is defined as an intersection and the end of a cul-de sac. They do not include the end of a stub-out at the property line. The higher the connectivity index, the more connected the roadway network. Residential subdivisions that are dominated by cul-de-sacs provide discontinuous street networks, reduce the number of footpaths, provide few alternate travel routes and tend to force all trips onto a limited number of arterial roads.

Figure 1 shows two examples of a subdivision. Example 1 shows a well-connected subdivision layout that minimises the distances to travel from a dwelling house to a focal point. Example 2 shows the same trip through a poorly connected subdivision.

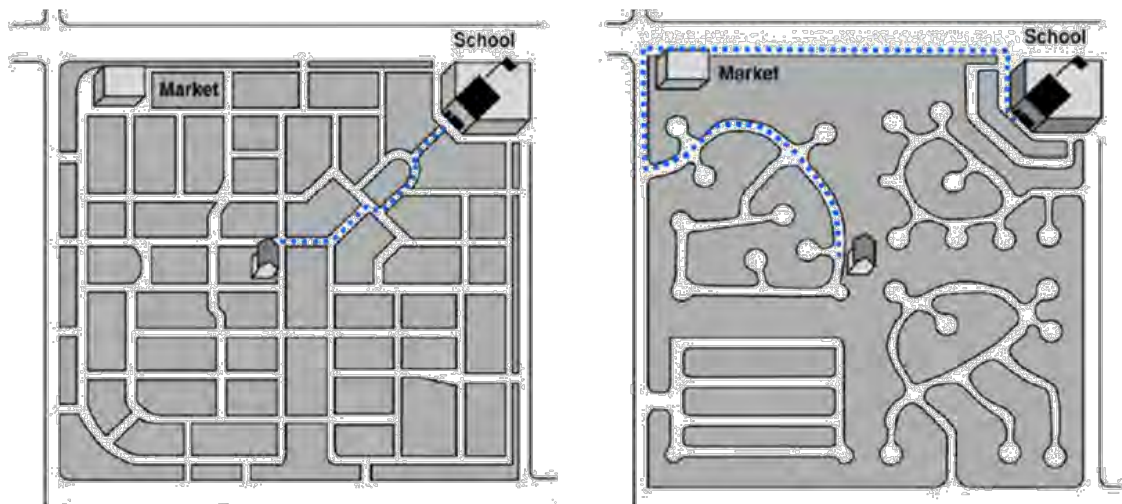
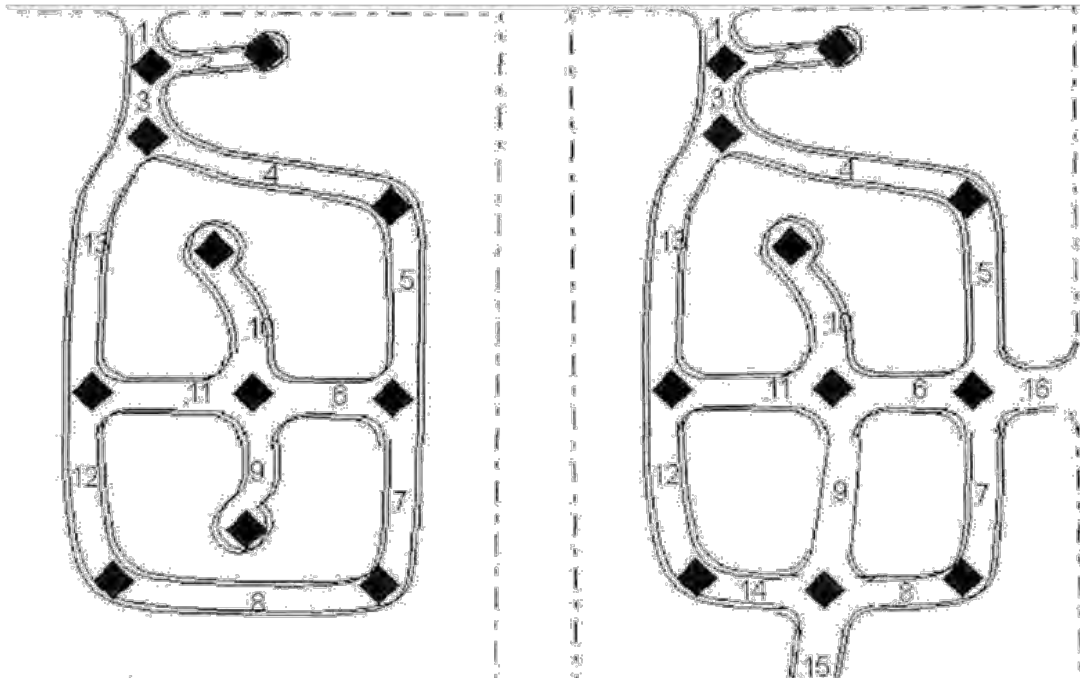


Figure 1. Subdivision Connectivity example

Example calculation of ICI:



Example 1
 13 links/11 nodes = 1.18 ratio

Example 2
 16 links/11 nodes = 1.45 ratio

Figure 2. Calculation of the Internal Connectivity Index

Element 2. Lot Layout

Introduction

The provision of an efficient and effective lot layout can allow for the creation of neighbourhoods that encourage connectivity and achieve quality urban design outcomes.

The arrangement of future dwellings will have an important influence on the quality of the neighbourhood that develops and should be considered as part of the lot design.

Objectives

- To provide a range of lot sizes to suit a variety of household types and requirements whilst considering the surrounding established area.
- To create attractive residential streets by removing garages and driveway cuts from the street frontages, improving the presentation of houses and maximising on street parking spaces and street trees.

Performance criteria	Acceptable solutions
The lot layout objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
Lot frontage	
P1 Lots are designed to optimise outlook and proximity to public and community facilities, parks and public transport with increased residential activity.	There is no applicable Acceptable Solution to this Performance Criteria.
P2 Lots are of a suitable configuration to reduce garage dominance in residential streets.	There is no applicable Acceptable Solution to this Performance Criteria.
P3 The design of lots provides vehicular access to the rear or side of lots where front access is restricted or not possible, particularly narrow lots where front garaging is not permitted.	There is no applicable Acceptable Solution to this Performance Criteria.
Lot Types	
P2 A range of residential lot types (area, frontage, depth and access) is provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburb, suburban and urban characters across a neighbourhood.	A2.1 Within each street block, the subdivision design shall provide varied lot frontages to provide a differentiation in design and housing product.

<p>Performance criteria The lot layout objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>P3 A variety in dwelling size, type and design to promote housing choice and create attractive streetscapes with distinctive characters is encouraged.</p>	<p>A3.1 Lots should generally be rectangular in shape.</p> <p>Where lots are an irregular shape, they are to be of a sufficient size and orientation to enable siting of future dwellings to meet the controls in this Plan.</p> <p>A3.2 Where residential development adjoins land zoned RE1 Public Recreation and/or utilised for open space purposes, the subdivision is to create lots to enable a living area within the dwelling to overlook the open space or drainage land.</p> <p>A3.3 Optimal lot orientation is east-west, or north-south where the road pattern requires. Exceptions to the preferred lot orientation may be considered where factors such as the layout of existing roads and cadastral boundaries, or topography and drainage lines prevent achievement of the preferred orientation.</p>
<p>Battle-axe Lots P4 Battle-axe lots shall only be provided in limited circumstances where the topography and development orientation results in regular subdivision not being able to be achieved.</p>	<p>A4 Battle axe lots are provided in accordance with the principles for the location of battle-axe lots as shown in Figure 3.</p>
<p>P5 The visual impact to the streetscape of battle-axe entry ways and driveways should be ameliorated where possible.</p>	<p>A5 The driveway or shared driveway will include adjacent planting and trees, as indicated in Figure 4.</p>

<p>Performance criteria The lot layout objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>Corner Lots P6 To ensure corner lots are of sufficient dimensions and size to enable residential controls to be met.</p>	<p>P6.1 Corner lots are to be designed to allow residential accommodation to positively address both street frontages as indicated in Figure 5.</p> <p>P6.2 Garages on corner lots are encouraged to be accessed from the secondary street or from a rear lane.</p>

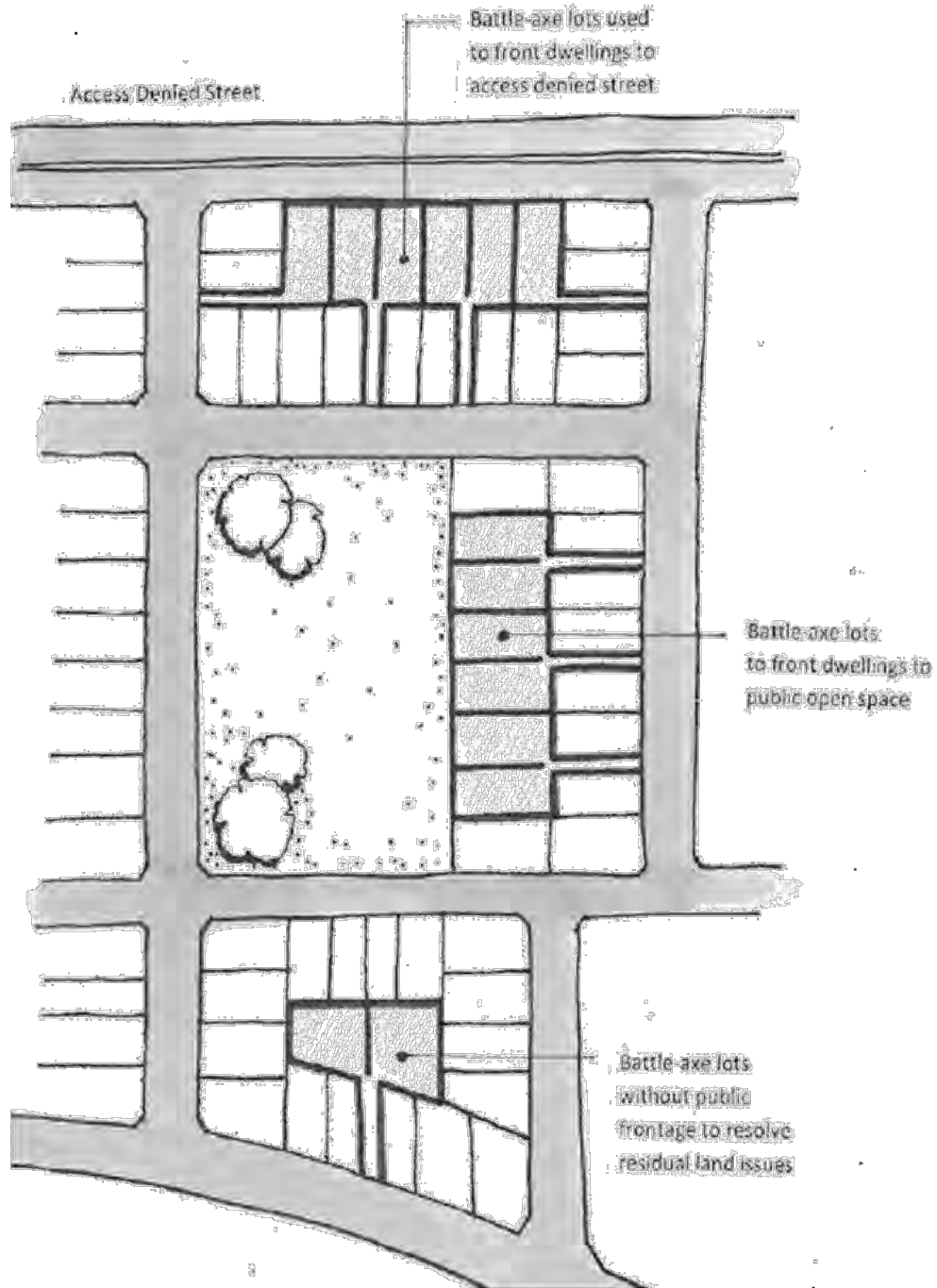


Figure 3. Examples of locations of battle-axe lots

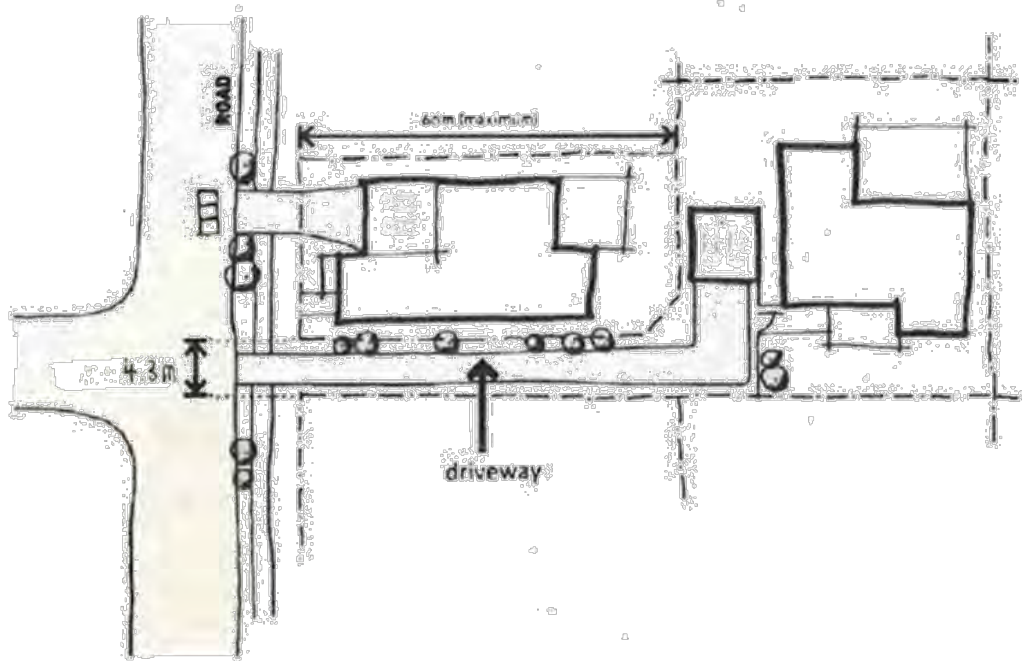


Figure 4. Example of driveway location and alignments for battle-axe lots

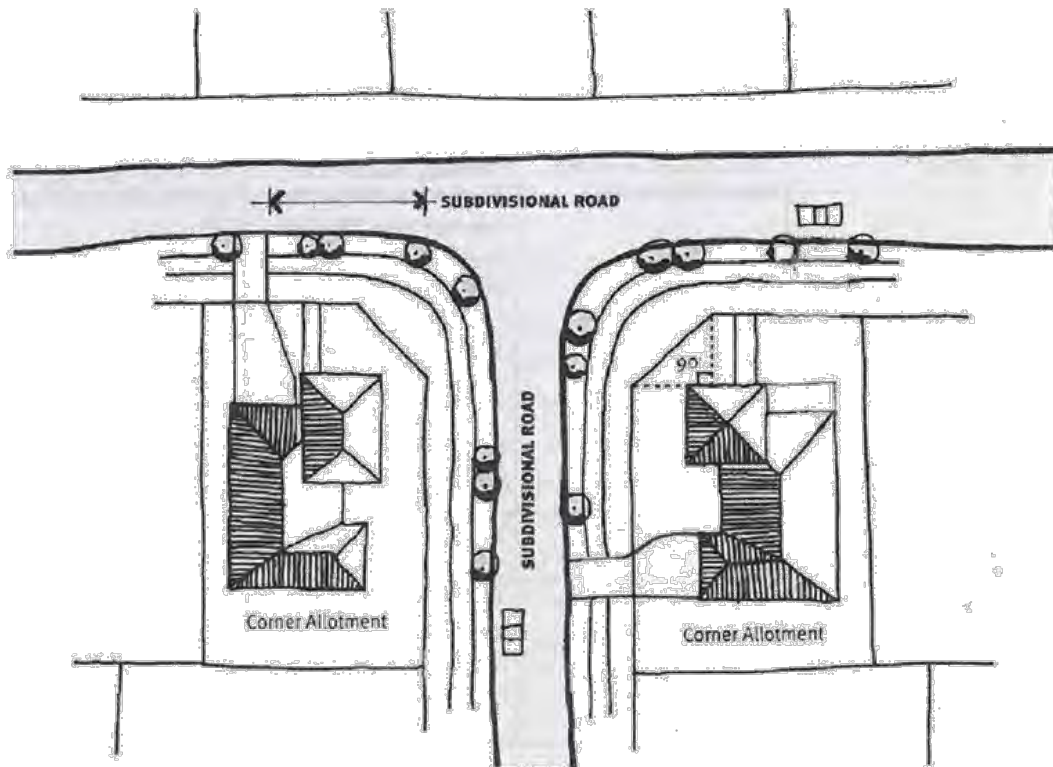


Figure 5. Corner lots

Element 3. Landscaping

Objectives

- To provide landscaping that contributes to the identity and environmental health of the community; and
- To ensure streetscape components do not detrimentally affect solar access to individual dwellings.

Performance criteria The public open space and landscaping objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Landscaping – General</p> <p>P1 Landscaping is designed and located to not negatively impact on built infrastructure.</p>	<p>A1.1 Landscaping is provided in accordance with the requirements of a landscaping schedule that has been approved by Council's Dubbo Branch, Parks and Landcare Services Division.</p>
<p>P2 Landscaping is undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.</p>	<p>A2.1 Existing native trees are retained wherever possible.</p> <p>A2.2 Species selected are suitable for the local climate.</p> <p>A2.3 Species selected require a minimal amount of watering.</p> <p>A2.4 Landscaping does not impact ground-water levels by encouraging over-watering resulting in groundwater level increases or the pollution of waters.</p>
<p>Street Trees</p> <p>P3 Street trees are selected to provide summer shading while not impeding solar access to dwellings in winter.</p>	<p>A3.1 Street trees are provided in accordance with the requirements of Council's Dubbo Branch, Parks and Landcare Services Division generally and any applicable Tree Planting Standards.</p> <p>A3.2 Deciduous trees are selected where shadows adversely impact solar access.</p>

<p>Performance criteria The public open space and landscaping objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<p>A3.3 Taller tree species are planted on the northern side of east-west aligned streets, shorter species are planted on the southern side.</p> <p>A3.4 Indigenous species or species with a proven tolerance to the local climate and conditions that preserve solar access of adjoining properties are provided.</p> <p>A3.5 Plantings with low maintenance and low water consumption are provided.</p> <p>A3.6 Evergreen species for windbreaks and planting along the south or west side of the area are protected against wind.</p>

Element 4. Infrastructure

Objectives

- To ensure residential areas are serviced with essential services in a cost-effective and timely manner, and;
- To ensure residential areas are adequately serviced with water and sewerage infrastructure.

Performance criteria The infrastructure objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Utilities</p> <p>P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long term.</p>	<p>A1.1 The design and provision of utility services conforms to the requirements of relevant service authorities.</p> <p>A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.</p> <p>A1.3 Water and sewerage services are to be designed and constructed in accordance with the requirements of NAT-SPEC (DCC version) Development Specification Series – Design and Development Specification Services – Construction.</p> <p>A1.4 Electricity supply is provided via underground trenching in accordance with the requirements of the energy supply authority.</p>
<p>Common Trenching</p> <p>P2 Compatible public utility services are located in common trenching in order to minimise the land required and the costs for underground services.</p>	<p>A2.1 Services are located next to each other in accordance with Council’s Dubbo Branch policy for trenching allocation in footways (Standard Drawing 5268).</p>

<p>Performance criteria The infrastructure objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>Availability of Services P3 Water supply and sewerage networks are available, accessible, easy to maintain and are cost-effective based on life cycle costs.</p>	<p>A3.1 Council will not consent to the subdivision of land until adequate water supply and facilities for sewage and drainage are available or until arrangements satisfactory to Council have been made for the provision of such supply and facilities.</p> <p>A3.2 Development is to be carried out within the water supply and sewer catchments as described by Council’s Dubbo Branch, Section 64 Policy for Water and Sewerage.</p> <p>Note: Where water and/or sewer are available, any new allotments will be connected to the system. Where not available, refer to A3.1.</p>

Element 5. Street Design and Road Hierarchy

Objectives

- To ensure streets fulfil their designated function within the street network;
- To facilitate public service utilities;
- Encourage street designs that accommodate drainage systems, and;
- Create safe and attractive street environments.

Performance criteria The street design and road hierarchy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Function and Width P1 The street reserve width is sufficient to cater for all street functions, including: <ul style="list-style-type: none"> - Safe and efficient movement of all users, including pedestrians and cyclists; - Provision for parked vehicles; - Provision for landscaping; and - Location, construction and maintenance of public utilities. 	A1.1 The road hierarchy complies with the relevant Residential Release Strategy. A1.2 The road hierarchy is designed and constructed in accordance with Aus-Spec (DCC version). A1.3 Road reserve widths are in conformity with the Dubbo Road Transportation Strategy to 2045. A1.4 The road layout provides appropriate connectivity as approved by Council, between adjoining residential estates for both vehicular and pedestrian movement.
P2 The verge width is sufficient to provide for special site conditions and future requirements.	A2.1 The verge width is increased where necessary to allow space for: <ul style="list-style-type: none"> - Larger scale landscaping; - Indented parking; - Future carriageway widening; - Retaining walls; - Cycle paths; and - Overland flow paths.
Design for Safety P3 Street design caters for all pedestrian users including the elderly, disabled and children by designing streets to limit the speed motorists can travel.	P3.1 The length of straight streets are limited to between 200m to 250m for a control speed of 50 km/hr.

Performance criteria The street design and road hierarchy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>P3.2 Incorporating speed control devices (mostly for redesigning existing streets) such as:</p> <ul style="list-style-type: none"> - Horizontal deflection devices; - Roundabouts; - Slow points; - Median islands; - Street narrowing; - Vertical deflection devices; - Speed humps and dips; and - Raised platforms at pedestrian crossings or thresholds.
<p>Driveway Access</p> <p>P4 Driveway egress movements do not create a safety hazard.</p>	<p>A4.1 Motorists can enter or reverse from a residential lot in a single movement.</p> <p>A4.2 Motorists enter and leave medium density and non-residential developments in a forward direction.</p> <p>A4.3 Lot design enables driveways on major collector streets and streets which carry more than 3,000 vpd to be designed to promote forward movement of vehicles across the verge.</p>
<p>Geometric Design</p> <p>P5 Bus routes have a carriageway width that:</p> <ul style="list-style-type: none"> - Allows for the movement of buses unimpeded by parked cars; - Safely accommodates cyclists; and - Avoids cars overtaking parked buses. 	<p>A5.1 The geometry of streets identified as bus routes provides suitable turning, stopping sight distance, grade and parking for buses.</p>
<p>P6 Geometric design for intersections, roundabouts and slow points is consistent with the vehicle speed intended for each street.</p>	<p>A6.1 Sufficient area is provided at the head of cul-de-sacs for waste disposal vehicles to make a three point turn.</p>

<p>Performance criteria The street design and road hierarchy objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>On-Street Parking</p> <p>P7 Car parking is provided in accordance with projected needs determined by:</p> <ul style="list-style-type: none"> - The number and size of probable future dwellings; - The car parking requirements of likely future residents; - Availability of public transports. - Likely future onsite parking provisions; - Location of non-residential uses such as schools/shops; - The occasional need for overflow parking. 	<p>A7.1 One on-street parking space is to be provided per dwelling. These are to be located against the kerb or in pairs in parking bays constructed within the verge, located within 60m of each allotment.</p>
<p>Design</p> <p>P8 Car parking is designed and located to:</p> <ul style="list-style-type: none"> - Conveniently and safely serve users, including pedestrians, cyclists and motorists; - Enable efficient use of car spaces and access ways including adequate manoeuvrability between the street and lots; - Fit in with adopted street network and hierarchy objectives and any related traffic movement plans; - Be cost effective; and - Achieve relevant streetscape objectives. 	<p>There is no applicable Acceptable Solution to this Performance Criteria.</p>

Element 6. Pedestrian and Cycle Links

Objective

- To encourage walking and cycling by providing safe and convenient movement networks to points of attraction and beyond the development.

Performance criteria	Acceptable solutions
The pedestrian and cycle links objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Planning</p> <p>P1 The residential street and path network provides a network of pedestrian and cyclist routes, with connections to adjoining streets, open spaces and activity centres.</p>	<p>A1.1 Where a Traffic Calming Plan or an approved Pedestrian and Cyclist Plan exist, pedestrian and cyclist paths are provided in accordance with that Plan.</p> <p>A1.2 Pedestrian and cycle paths are provided in accordance with the Dubbo Strategic Open Space Master Plan.</p> <p>A1.3 A network of footpaths and cycle routes is provided that accounts for:</p> <ul style="list-style-type: none"> - The need to encourage walking and cycling; - Likely users (eg school children, parents with prams, aged/, commuter and cyclists); - Opportunities to link open space networks and community facilities including public transport, local activity centres, schools and neighbouring shopping centres; - Topography; and - Cyclist and pedestrian safety.
<p>Location and Design</p> <p>P2 The alignment of paths allows safe and convenient use by pedestrians and cyclists and is varied to preserve trees and other significant features. A focus on vistas and landmarks adds visual interest where they exist.</p>	<p>There is no applicable Acceptable Solution to this Performance Criteria.</p>

Performance criteria The pedestrian and cycle links objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P3 Footpaths and cycle ways are well-lit and located where there is casual surveillance.	P3.1 Lighting conforms to AS/NZ 1158.1.
P4 Footpaths or shared paths are designed and constructed at appropriate widths, longitudinal gradient and sight distance to cater for the number of projected pedestrians and cyclists and user types (e.g. the aged, the very young, people with prams and people with disabilities).	<p>A4.1 Collector streets on which there is access to lots or where there is a planned pedestrian or cyclist path are provided with a separate path on each side clear of the carriageway pavement.</p> <p>A4.2 A pedestrian (only) footpath, where required, is 1.2 m wide and is constructed of concrete or paving block for the full width and is located central to the existing or proposed kerb. Shared pedestrian and cyclist paths shall be 2.5 metres in width.</p> <p>A4.3 Footpaths are widened to full width in the vicinity of meeting points, schools, shops and other activity centres.</p> <p>A4.4 Maximum longitudinal gradient of cycle paths is no greater than that at any adjacent street pavement.</p>
P5 Provision is made for the location of seats in appropriate places.	A5.1 Seats to be provided in accordance with the requirements of Council's Dubbo Branch, Parks and Landcare Services Division.
P6 There is adequate provision for passing with paths widened at potential conflict points or junctions on high-use facilities to allow for passing of pedestrians/cyclists.	A6.1 Paths are widened at potential conflict points or junctions in areas of high use such as schools, corner stores etc.

<p>Performance criteria The pedestrian and cycle links objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>Safe Crossings P7 Safe street crossings are provided for all street users with safe sight distances and adequate pavement markings, warning signs and safety rails (where appropriate for cyclists).</p>	<p>A7.1 Where traffic volumes exceed 3,000 vpd or speeds exceed 50 km/hr, safe crossings are created with the use of pedestrian refuges, slow points, thresholds or other appropriate mechanisms</p> <p>A7.2 Pram and wheelchair crossings are provided at all kerbs and are adequately designed for this purpose as well as assisting sight-impaired people.</p>
<p>Construction P8 Pedestrian and cyclist paths are constructed to provide a stable surface for projected users and is easily maintained.</p>	<p>There is no applicable Acceptable Solution to this Performance Criteria.</p>

Element 7. Stormwater Management

Objectives

- To provide major and minor drainage systems which:
 - Adequately protect people and the natural and built environments to an acceptable level of risk and in a cost effective manner in terms of initial costs and maintenance, and;
 - Contribute positively to environmental enhancement of catchment areas.
- To manage any water leaving the site (during construction and operation) with stormwater treatment measures.

Performance criteria The stormwater management objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 Post development peak flows (up to 100 year ARI storm events) are limited to 'pre-development' levels.</p>	<p>A1.1 Water sensitive urban design or onsite bio-retention in the form of rain gardens, swales and absorption trenches are amalgamated into the design of the road network.</p> <p>A1.2 In areas where there is a likelihood of salinity impacts, infiltration shall not be used.</p>
<p>P2 The stormwater drainage system has the capacity to safely convey stormwater flows resulting from the relevant design storm under normal operating conditions, taking partial minor system blockage into account.</p>	<p>A2.1 The design and construction of the stormwater drainage system is in accordance with the requirements of Australian Rainfall and Runoff 1987 and Aus-Spec (Former Dubbo City Council version) Development Specification Series – Design and Development Specification Series – Construction.</p> <p>A2.2 Construction Certificate plans for subdivisions shall show all minor and major stormwater systems clearly defined and identified. Minor systems for residential areas are designed to cater for the 1 in 100 year storm event. These systems are to be evident as 'self-draining' without impacting on flooding of residential houses etc.</p>

Performance criteria The stormwater management objectives may be achieved where:		Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:	
P3	Natural streams and vegetation are retained wherever practicable and safe, to maximise community benefit.	A3.1	Natural streams and vegetation are incorporated into the stormwater drainage system for the subdivision and open space requirements.
P4	The stormwater system/drainage network is designed to ensure that there are no flow paths which would increase risk to public safety and property.	A4.1	While addressing the statutory requirements stated above, the incorporation of sports grounds and other less flood-sensitive land uses into the drainage corridor and the appropriate placement of detention basins.
P5	The system design allows for the safe passage of vehicles at reduced speeds on streets which have been affected by run-off from the relevant design storm.	A5.1	The system allows for the safe passage of vehicles at reduced speeds on streets which have been affected by run-off from a 20% AEP event.
Site Drainage			
P6	Subdivision design and layout provides for adequate site drainage.	A6.1	Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage is provided to accept run-off from all existing or future impervious areas that are likely to be directly connected.
		A6.2	The design and construction of the inter-allotment drainage system are in accordance with the requirements of Australian Rainfall and Runoff (1987) and Aus-Spec (Former Dubbo City Council version) Development Specification Series – Design and Development Specification Series – Construction.

<p>Performance criteria The stormwater management objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>Flooding P7.1 Where residences (new or existing) are proposed in flood-affected areas, these shall be protected from flood waters. P7.2 Flood-ways are developed in a manner which ensures that there is a low risk of property damage.</p>	<p>A7.1 Ground floors of residences are located at or above the 'flood planning level' to provide protection to life and property in accordance with the accepted level of risk.</p>

Element 8. Water Quality Management

Objective

- To provide water quality management systems which:
 - Ensure that disturbance to natural stream systems is minimised, and;
 - Stormwater discharge to surface and underground receiving waters, during construction and in developing catchments, does not degrade the quality of water in the receiving areas.

Performance criteria	Acceptable solutions
The water quality management objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Adequate provision is made for measures during construction to ensure that the land form is stabilised and erosion is controlled.	A1.1 An Erosion and Sediment Control Plan is prepared by suitably qualified professionals using the 'Blue Book – Managing Urban Stormwater: Soils and Construction' and provided to Council.
P2 The system design optimises the interception, retention and removal of water-borne pollutants through the use of appropriate criteria prior to their discharge to receiving waters.	A2.1 The Erosion and Sediment Control Plan is to comply with the document 'Managing Urban Stormwater: Soils and Construction', produced by NSW Department of Housing.
P3 The system design minimises the environmental impact of urban run-off on surfaces receiving water quality and on other aspects of the natural environment, such as creek configuration and existing vegetation, by employing techniques which are appropriate and effective in reducing run-off and pollution travel.	<p>A3.1 Water pollution control ponds or wetlands are developed (where appropriate) for final treatment before discharge to the wider environment and should be sited to minimise impacts on the natural environment.</p> <p>A3.2 Sensors are used to control watering systems.</p>

2.2 Residential Design (Dwellings and Dual Occupancy)

This section is designed to encourage 'best practice' solutions and clearly explain requirements for the development of dwelling houses and dual occupancy development (attached or detached).

The objectives of this section are:

- To facilitate a mix of dwelling sizes complementing the character of the area and that provide accommodation for all sectors of the community; and
- To facilitate low density residential accommodation with an economic use of infrastructure.

This section lists design elements under the following headings:

- Element 1 Streetscape character
- Element 2 Building setbacks
- Element 3 Solar access
- Element 4 Private open space and landscaping
- Element 5 Infrastructure
- Element 6 Visual and acoustic privacy
- Element 7 Vehicular access and car parking
- Element 8 Waste management
- Element 9 Site facilities
- Element 10 Environmental Management
- Element 11 Non-residential uses
- Element 12 Signage

Each design element has been structured so that it contains:

- 'Objectives' describing the required outcomes;
- 'Performance criteria' outlining the range of matters that need to be addressed to satisfy the objectives (ie the performance criteria explains how an objective is to be achieved);

Note: Not all performance criteria will be applicable to every development.

- 'Acceptable solutions' are specific measures which illustrate one way of meeting both the performance criteria and objectives of an element. They are examples only and are not mandatory; and
- 'References' to relevant clauses of the Dubbo LEP 2011, other relevant legislation, Council policies and literature relevant to the design element.

Element 1. Streetscape Character

Objectives

- To design residential housing development to complement existing streetscape and neighbourhood character;
- To design residential housing in keeping with the desired future streetscape and neighbourhood character; and
- To provide a mix of dwelling sizes complementing the character of the area and that provide accommodation for all sectors of the community.

Performance criteria	Acceptable solutions
The streetscape character objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Built form</p> <p>P1 The frontage of buildings and their entries are readily apparent from the street.</p>	<p>A1.1 Buildings adjacent to the public street, address the street by having a front door facing the street.</p> <p>A1.2 The minimum frontage for dual occupancy developments is 15m.</p> <p>A1.3 Where dual occupancies are situated on corner blocks (where one is not a laneway), the development is designed to face each street frontage.</p> <p>A1.4 Dual occupancy development shall not be designed as 'mirror reversed'.</p>
<p>P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including:</p> <ul style="list-style-type: none"> - Built form; - Bulk and scale; - Vegetation; and - Topography. 	<p>A2 Design elements to consider include:</p> <ul style="list-style-type: none"> - Massing and proportions; - Roof form and pitch; - Façade articulation and detailing; - Window and door proportions; - Features such as verandahs, eaves and parapets; - Building materials, patterns, textures and colours; - Decorative elements; - Vehicular footpath crossing (location and width); - Fence styles; and - Building setbacks.

Performance criteria The streetscape character objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P3 Walls visible from the street are adequately detailed for visual interest.</p>	<p>A3.1 This may be achieved by recesses, windows, projections or variations of colour, texture or materials.</p> <p>A3.2 Walls longer than 10 m are articulated with a variation of not less than 600 mm for a minimum length of 4 m.</p>
<p>P4 Garages and parking structures (carports) are sited and detailed to ensure they do not dominate the street frontage, integrate with features of the dwelling and do not dominate views of the dwelling from the street.</p>	<p>A4.1 The width of a garage door or parking structure facing the street shall not be greater than 50% of the total width of the front of the building for an allotment in excess of 12 m in width, measured at the street frontage.</p> <p>A4.2 Garages or parking structures are located in line with or behind the alignment of the front façade/entrance of the dwelling, with a minimum setback of 5.5 m (see Element 2 – Building Setbacks), where the street frontage is in excess of 12 m.</p>
<p>Fencing</p> <p>P6 Fencing is consistent with the existing character of the area.</p>	<p>A6 Fences shall take elements from neighbouring properties where elements are representative of the character of the street.</p>
<p>P7 Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety.</p> <p>Front fences provide noise attenuation on classified roads.</p> <p>Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial).</p>	<p>A7.1 Front fences have a maximum height of 1.2 m if solid or less than 20% transparent and 1.5 m if greater than 50% transparent.</p> <p>A7.2 A front fence on the secondary frontage may have a maximum height of 1.8 m for 50% of the length of the boundary to the secondary road, which is measured from the corner splay of the primary road boundary. In addition,</p>

<p>Performance criteria The streetscape character objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<ul style="list-style-type: none"> - The fence is constructed of materials which are consistent with those used in development on the site and adjoining developments; and - The fence is softened with the use of landscaping. <p>A7.3 Solid front fences to main roads or highways for the purposes of noise attenuation may be considered to a height of 1.8 m provided that:</p> <ul style="list-style-type: none"> - The fence does not exceed 5 m in length without articulation or detailing to provide visual interest; - The fence is constructed of materials which are consistent with those used in the development on the site and adjoining developments (other than solid metal panels or chain wire fencing); and - The fence is softened with the use of landscaping.
<p>P8 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development.</p> <p>Note: Barbed/razor wire or electrified fencing in residential areas is not permitted.</p>	<p>A8.1 Side fences on corner allotments are setback and/or articulated to provide for vegetation screening to soften the visual impact of the fence.</p> <p>A8.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing (including factory pre-coloured materials).</p>

Performance criteria		Acceptable solutions	
The streetscape character objectives may be achieved where:		The acceptable solutions illustrate one way of meeting the associated performance criteria:	
P9	Fencing on corner allotments does not impede motorists' visibility at the intersection.	A9.1	Fencing is either splayed, setback, reduced in height or transparent to maintain visibility for motorists. Note: The extent of the splay will be determined by Council in consideration of the characteristics of the road and the radius of the kerb return.
P10	Gates are designed to ensure pedestrian and motorist safety. Note: Gates are not permitted to open across the footpath (Clause 21, Roads Regulation 2008).	A10.1	Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained.

Element 2. Building Setbacks

Objectives

- To ensure that the setback of a building from the property boundaries, the height and length of walls, site coverage and visual bulk are acceptable in the neighbouring setting, and;
- To ensure habitable rooms of dwellings and private open space within the development and in adjacent development can receive adequate sunlight, ventilation and amenity.

Performance criteria	Acceptable solutions
The building setback objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 Front Boundary Setback – Dwellings and ancillary structures</p> <p>The setback of the development from the front boundary of the allotment is consistent with established setbacks, or is consistent with the desired amenity of the locality.</p> <p>Residential development on corner allotments shall address both street frontages.</p> <p>Note: The setback is measured from the property boundary to the first vertical structural element of the development. No portico, posts, etc shall be any closer than the stated setback.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	<p>Primary Frontage</p> <p>A1.1 Minimum setback of 4.5 m from the front property boundary where no streetscape setback has been established.</p> <p>A1.2 In established areas, infill development is to be setback the average of the front building setbacks of the adjoining and adjacent dwellings, if the difference between the setbacks of the adjoining buildings is greater than 2 m. Alternatively, a dwelling may be progressively stepped in as detailed in Figure 6.</p> <p>Secondary Frontage</p> <p>A1.3 The secondary (side) setback is 3 m. Where the corner is splayed, residential development is designed accordingly.</p>
<p>P2 Side and rear boundary setbacks – dwellings</p> <p>The setback of the development from the side and rear boundaries of the allotment is consistent with established setbacks or is consistent with the desired amenity of the locality.</p> <p>Note: The setback is measured from the property boundary to the first vertical</p>	<p>A2.1 Residential development is setback such that it complies with the requirements of the Building Code of Australia (BCA).</p>

Performance criteria The building setback objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>structural element of the development. No portico, posts etc. shall be any closer than the stated setback.</p> <p>Note: This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	
<p>P3 Front boundary setback – garages and carports The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from the street and integrates with features of associated dwellings.</p>	<p>Primary frontage A3.1 Garages and carports are setback a minimum of 5.5 m from the front property boundary and in line with or behind the alignment of the front façade of the dwelling. This does not apply to allotments where the frontage is less than 12 m in width.</p> <p>Secondary frontage A3.2 Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling and shall achieve a minimum 5.5 m setback from the secondary property boundary (see Figure 7).</p>
<p>P4 Side and rear boundary setbacks – garages and carports The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.</p>	<p>A4.1 Garages and carports are setback such that they comply with the requirements of the Building Code of Australia.</p> <p>Where a garage or carport is provided on a secondary street frontage, regular building setback requirements of this Plan are applicable.</p>

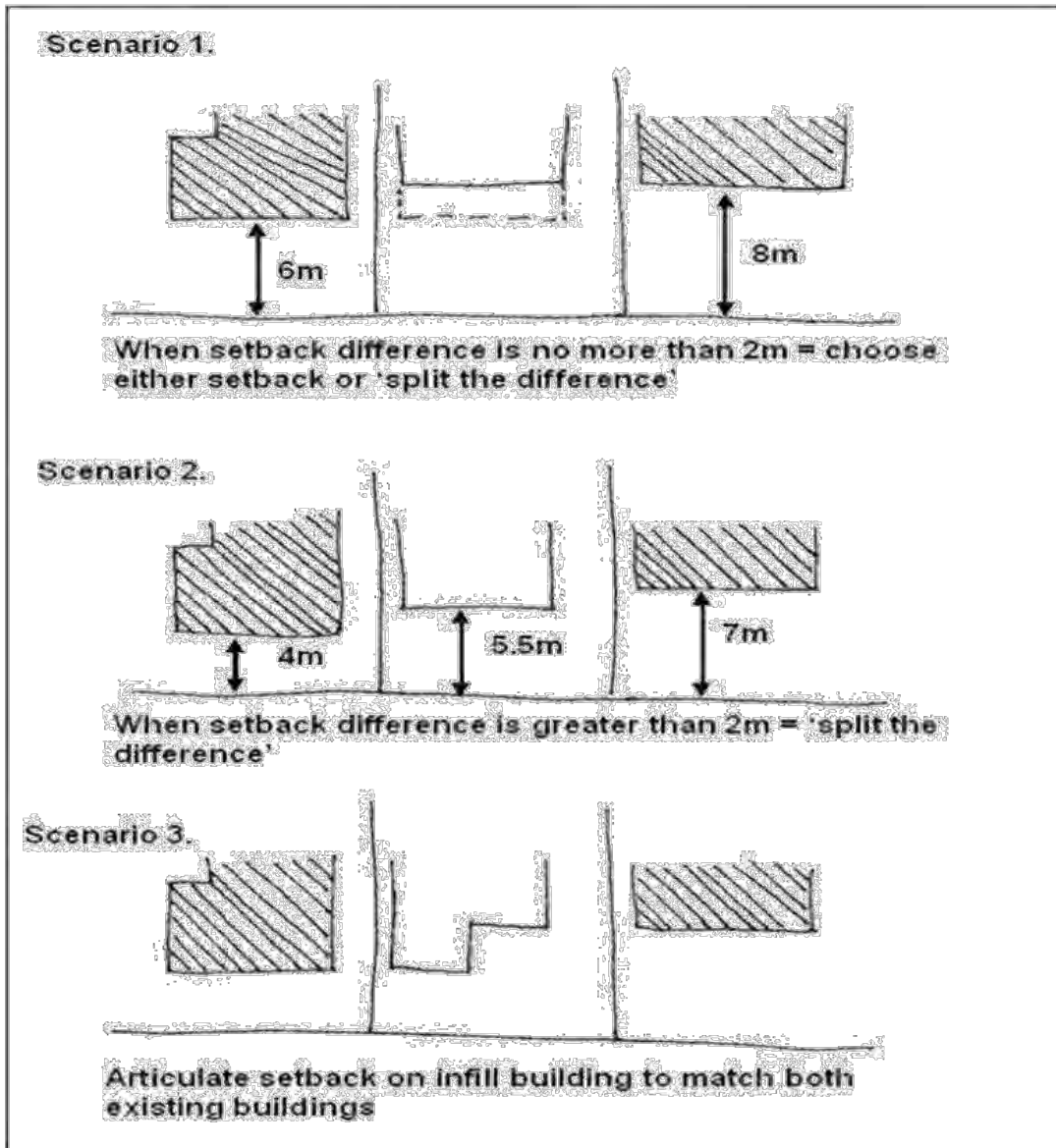


Figure 6. Setbacks for infill development in established areas

PRIMARY FRONTAGE

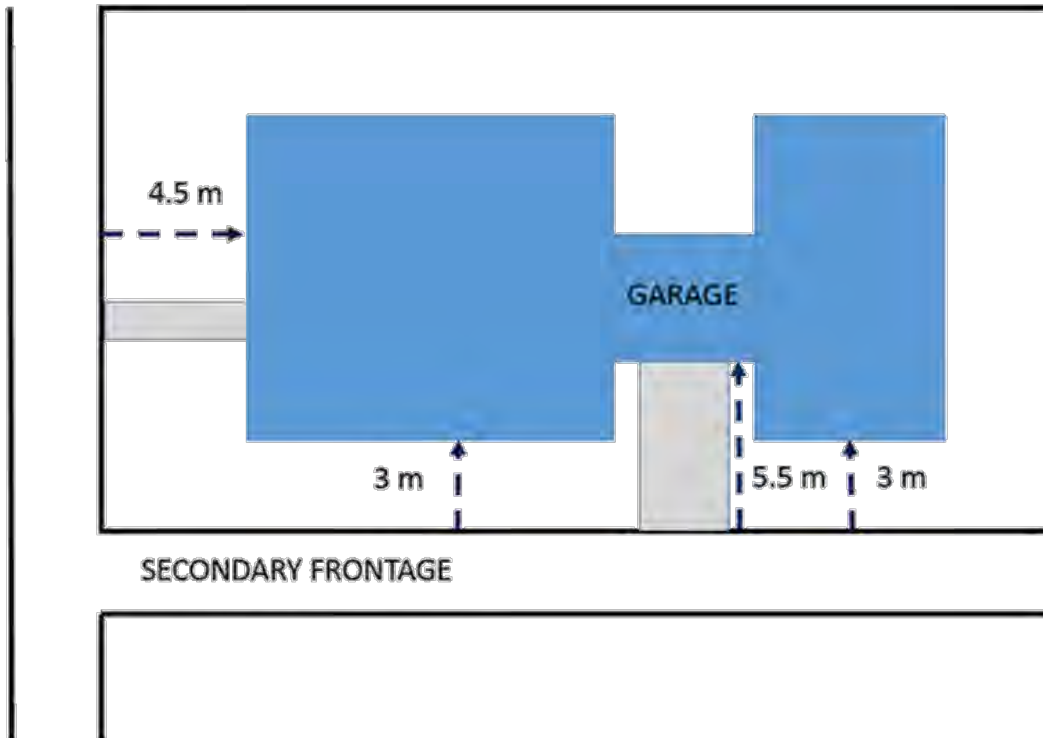


Figure 7. Corner allotment with the main entry to the primary road and the garage to the secondary road, with a setback minimum of 5.5 metres

Element 3. Solar Access

Objectives

- To ensure all development provides an acceptable level of solar access for occupants, and;
- To ensure development does not significantly impact on the solar access and amenity of adjoining and adjacent allotments.

Performance criteria	Acceptable solutions
The solar access objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Solar Access</p> <p>P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors (photovoltaic panels, solar hot water systems etc.) private open space and clothes drying facilities.</p> <p>Note 1: Council requires the submission of a shadow diagram to demonstrate the impact of overshadowing on adjoining and adjacent allotments for any residential development above single storey.</p> <p>Shadow diagrams are to be prepared for 9 am, 12 noon and 3 pm on 22 June. The shadow diagrams are to demonstrate the extent of overshadowing of the proposed and existing development on the subject land and adjacent sites.</p> <p>Note 2: The length of shadows cast by the sun in Dubbo for 22 June is able to be calculated using the information provided at the end of this element.</p>	<p>A1.1 Dwellings are sited in accordance with Figure 8.</p> <p>A1.2 On east/west orientated lots, the setback on the north-side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.</p> <p>A1.3 A roof area sufficient to meet the space requirements for a solar hot water service is provided where it faces within 20° of north and receives direct sunlight between the hours of 9 am and 3 pm on 22 June.</p> <p>A1.4 Outdoor clothes drying areas are located to ensure adequate sunlight and ventilation are provided between the hours of 9 am and 3 pm on 22 June to a plane of 1 m above the finished ground-level under the drying lines.</p>
<p>P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</p>	<p>A2.1 Habitable rooms of adjoining development receive a minimum of four hours solar access between the hours of 9 am and 3 pm on 22 June.</p>

<p>Performance criteria The solar access objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<p>A2.2 Principal private open space (PPOS) of adjoining and adjacent development receives a minimum of four hours solar access over 75% of the principal private open space area between 9 am and 3 pm on 22 June.</p> <p>A2.3 Landscaping is designed to ensure that when mature, required areas of private open space or established BBQ/pergola areas on adjoining allotments maintain solar access on 22 June in accordance with A2.2.</p> <p>A2.4 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter solstice).</p>

House orientation not encouraged

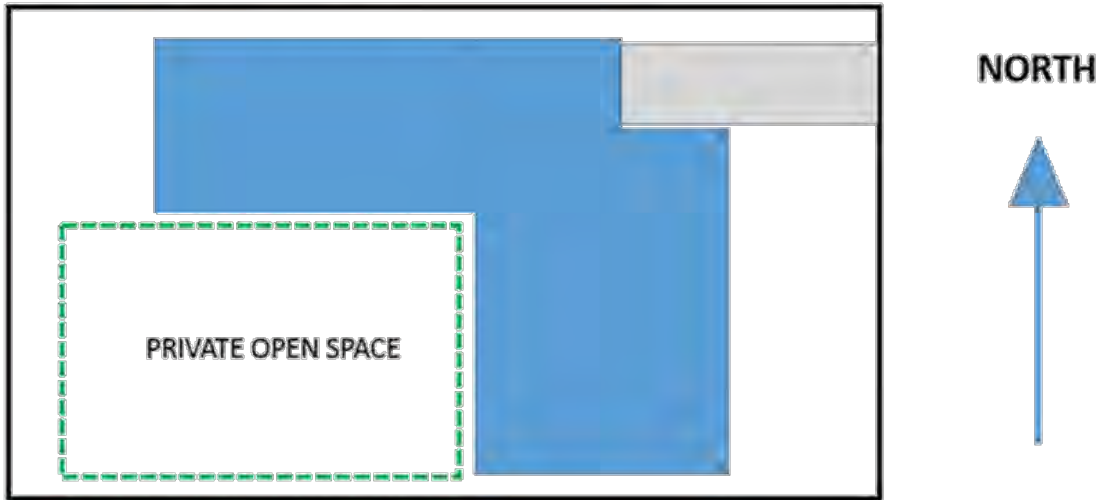


Figure 8. Siting of dwellings on east/west lots

Rationale

A dwelling built close to the northern boundary results in little to no winter sunlight being able to enter habitable rooms in the dwelling. The location of the house increases the shading of the private open space area.

House orientation encouraged



Figure 8. Siting of dwellings on east/west lots

Rationale

A dwelling built close to the southern boundary enables winter sunlight to enter habitable rooms in the dwelling. Good solar access is available to private open space during winter.

Element 4. Private Open Space and Landscaping

Objectives

- To provide private outdoor open space that is well-integrated with the development and is of sufficient area to meet the needs of occupants;
- To provide a pleasant, safe and attractive level of residential amenity, and;
- To ensure landscaping is appropriate in nature and scale for the site and the local environment.

<p>Performance criteria The private open space and landscaping objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>Private Open Space P1 Private open space is of an area and dimension facilitating its intended use. Note: See Element 3 – Solar Access requirements for private open space development in residential areas.</p>	<p>A1.1 Dwelling houses and dual occupancy developments shall have a Principal Private Open Space (PPOS) area, in addition to the general Private Open Space (POS). A1.2 The PPOS area has a minimum area per dwelling of 25 m² and a minimum dimension of 5 m. This area can include covered (not enclosed) outdoor entertainment areas. A1.3 Dwelling houses and dual occupancies have an overall minimum POS area (including PPOS) of 20% of the site area (excluding the area located forward of the front building line).</p>
<p>P2 Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.</p>	<p>A2.1 All Principal Private Open Space (PPOS) is directly accessible from the main living area. A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.</p>

Performance criteria		Acceptable solutions	
The private open space and landscaping objectives may be achieved where:		The acceptable solutions illustrate one way of meeting the associated performance criteria:	
Landscaping			
P3	Landscaping is provided at a scale and density which is appropriate for the development.	A3.1	Landscaping is provided in accordance with the requirements of the Landscaping Schedule.
		A3.2	The height and density of vegetation at maturity should be suitable to screen and soften the development.
		A3.3	A landscape plan is required to be provided for assessment with the lodgement of development applications for dual occupancy developments.
P4	Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.	A4.1	Species are selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed/drop material.
		A4.2	<p>Landscape species are selected and located to ensure the amenity of adjoining and adjacent properties is not impacted.</p> <p>This shall ensure that inappropriate vegetation is not provided that reduces the level of solar access enjoyed by adjoining and adjacent properties and is likely to provide any safety impacts to residents.</p>
P5	Landscaping activities are undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.	A5.1	Existing native trees are retained.
		A5.2	Species selected are suitable for the local climate.
		A5.3	Species selected require a minimal amount of watering (Waterwise Garden).

<p>Performance criteria The private open space and landscaping objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<p>A5.4 Landscaping does not impact ground-water levels by over watering resulting in ground-water level increases or the pollution of waters.</p> <p>A5.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.</p> <p>A5.6 Sensors are used to control watering systems (see also Element 9).</p>

Element 5. Infrastructure

Objectives

- To encourage residential development in areas where it can take advantage of existing physical and social infrastructure;
- To ensure infrastructure has the capacity or can be economically extended to accommodate new residential development;
- To efficiently provide development with appropriate physical services, and;
- To minimise the impact of increased stormwater run-off to drainage systems.

Performance criteria The infrastructure objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Residential development shall not overload the capacity of public infrastructure including reticulated services, streets, open space and human services.	A1.1 Physical infrastructure is provided by the proponent in accordance with the former Dubbo City Council's adopted version of NAT Spec and relevant policies.
P2 Design and layout of residential development provides space (including easements) and facilities to enable efficient and cost-effective provision of telecommunication services.	A2.1 Development is connected to a telecommunication system provided in accordance with the requirements of the appropriate authority.
P3 The development is connected to reticulated sewerage, water supply and electricity systems and to natural gas where available.	<p>A3.1 Development is connected to Council's reticulated water supply, stormwater drainage and sewerage system to the former Dubbo City Council's adopted version of AUSPEC and relevant policies (including separate water meters where the development is to be subdivided).</p> <p>A3.2 Development is located where ready access to an electricity supply is available or where electricity supply can be easily extended.</p> <p>A3.3 Where Council sewerage services are not available, an approved effluent disposal system is installed and located so it is not:</p> <ul style="list-style-type: none"> - Situated on flood-affected land;

<p>Performance criteria The infrastructure objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<ul style="list-style-type: none"> - Within or adjacent to drainage lines; and - Likely to contaminate any surface or groundwater supplies.
<p>P4 In areas where drainage infrastructure has little or no excess capacity, developments which would generate stormwater run-off beyond that equivalent to 35% site cover (or beyond that presently generated by the site if greater) should provide for stormwater drainage mitigation or upgrading of the local drainage system.</p>	<p>A4.1 Onsite stormwater detention shall be provided with delayed release into the stormwater system.</p> <p>A4.2 Minimal impervious areas shall be provided.</p>

Element 6. Visual and Acoustic Privacy

Objectives

- To limit overlooking of private open space and views into neighbouring development;
- To substantially contain noise within each dwelling and to limit noise from communal areas or shared facilities affecting nearby dwellings, and;
- To protect internal living and sleeping areas from inappropriate levels of external noise.

Performance criteria	Acceptable solutions
The visual acoustic and privacy objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Visual Privacy</p> <p>P1 Private open spaces and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance.</p> <p>Note: No screening is required if:</p> <ul style="list-style-type: none"> - Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or sill heights of at least 1.5 m. - Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level. - Habitable rooms facing a property boundary have a visual barrier of at least 1.5 m high (fences and barriers other than landscaping are not to be any higher than 1.8 m) and the floor level of the room is less than 0.6 m above the level of the ground at the boundary. 	<p>A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 m:</p> <ul style="list-style-type: none"> - Are offset a minimum distance of 1 m from the edge of the opposite window in the proposed development; - Have a sill height of 1.5 m above floor level; - Have a fixed obscure glazing in any window pane below 1.5 m above floor level; or - Have screens which obscure the view from habitable room windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development into private open space and/or habitable rooms of existing residential accommodation. <p>A1.2 Screens are solid, translucent or perforated panels or trellis which:</p> <ul style="list-style-type: none"> - Have a minimum of 25% openings; - Are permanent and fixed; - Are of durable materials such as galvanised steel, iodised aluminium or treated timber; and

Performance criteria The visual acoustic and privacy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<ul style="list-style-type: none"> - Are painted or coloured to blend in with the surrounding environment. <p>A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation.</p>
Acoustic Privacy P2 The transmission of noise to and the impact upon habitable rooms within the proposed development and adjoining and adjacent development is minimised.	<p>A2.1 Living rooms or garages of residential development does not adjoin or abut bedrooms of adjacent residential development.</p> <p>A2.2 The plumbing of residential development and is separate and contained sufficiently to prevent transmission of noise.</p> <p>A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dBA above ambient L90 sound level at the boundary of the property.</p> <p>A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of part F5 of the BCA (Class 2 and 3 buildings only).</p> <p>A2.5 Residential development is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the relevant Australian Standard(s) including AS 3671 – Road Traffic.</p>

Element 7. Vehicular access and car parking

Objectives

- To provide adequate and convenient parking for residents, visitors and service vehicles;
- To ensure street and access ways provide safe and convenient vehicle access to dwellings and can be efficiently managed; and
- To avoid parking and traffic difficulties in the development and the neighbourhood.

Performance criteria The vehicular access and car parking objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Parking Provision P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.	A1.1 Dwelling houses and dual occupancy development provides the following vehicle parking: <ul style="list-style-type: none"> - One bedroom dwelling – one car parking space per dwelling, situated behind the front building setback; and - Dwelling with two or more bedrooms – two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building setback.
Design P2 Car parking facilities are designed and located to: <ul style="list-style-type: none"> - Conveniently and safely serve users including pedestrians, cyclists and vehicles; - Enable efficient use of car spaces and access ways including adequate manoeuvrability for vehicles between the street and the lot; - Conform to the adopted street network hierarchy and objectives of the hierarchy and along with any related local traffic management plans; - Be cost effective; and - Protect the streetscape. 	A2.1 The dimensions of car spaces and access comply with AS2890.1. A2.2 Access ways and driveways are designed to enable vehicles to enter the designated parking space in a single turning movement and leave the space in no more than two turning movements. A2.3 Where five or more car spaces (or three or more dwellings) are served, or a driveway connects to a distributor road, manoeuvring space is provided to make it unnecessary for cars to reverse on to or off the road. The entrance is at least 5 m wide for a

Performance criteria The vehicular access and car parking objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>distance of 7 m to allow vehicles to pass each other.</p> <p>A2.4 The design and appearance of garages and carports shall:</p> <ul style="list-style-type: none"> - Be in line with or behind the alignment of the front façade of the dwelling (noting that they cannot be less than 5.5 m from the front property boundary in the R2 zone); - Garages and carports on secondary frontages of corner allotments may extend beyond the alignment of the secondary façade of the dwelling but shall achieve a minimum 5.5 m setback from the secondary property boundary; - Lots with a narrow frontage of 15 m or less have a single width garage/carport; - Large parking areas are broken up with trees, buildings or different surface treatments; - Parking is located so that the front windows of a dwelling are not obscured; - The dwelling design highlights the entry and front rooms rather than the garage; and - Garages are located under the roof of two-storey dwellings.
<p>Emergency Vehicle Access</p> <p>P3 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.</p>	<p>A3.1 Access ways are designed to cater for an 'AUSTRROADS 8.8 m length Design Service Vehicle'.</p>

Performance criteria The vehicular access and car parking objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Surface Treatment P4 Driveways, car parks and access points are designed in accordance with Section 3.5 Parking.	A4.1 Car spaces, accessways and driveways are formed, defined and drained to a Council drainage system and surfaced with: <ul style="list-style-type: none"> - An all-weather seal such as concrete, coloured concrete, asphalt or mortared pavers. - Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use.
Location of Driveways and Accessways from Residential Uses P5 Shared driveways, accessways and car parks of other dwellings are setback from habitable rooms of adjoining residential uses to enhance resident's privacy.	A5.1 Shared driveways, accessways and car parks of other residential uses are setback a minimum of 1.5 m from windows to habitable rooms of residential accommodation unless the floor level of the dwelling is at least 1 m above the driveway. The setback may be reduced to 1.0 m when the driveway etc. is bound by a fence of 1.5 m in height.

Element 8. Waste Management

Objective

- To ensure waste disposal is carried out in a manner which is environmentally responsible and sustainable.

Performance criteria The waste management objectives may be achieved where:		Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:	
Domestic Solid Waste			
P1	Domestic solid waste is disposed of in an environmentally responsible and legal manner.	A1.1	Residential development shall participate in Council’s garbage and recycling materials collection service.
		A1.2	Organic waste shall be composted.
		A1.3	Recycling of wastes such as paper (mulch in garden), plastics, glass and aluminium.
		A1.4	Reuse of waste such as timber.
		A1.5	Dispose of waste to a Council-approved waste facility or transfer station.
P2	The amount of liquid waste generated is minimised.	A2.1	Dual-flush toilet systems and water saving fittings and appliances shall be used.
P3	Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.	A3.1	Waste collection bins are stored behind the building line.

Element 9. Site Facilities

Objective

- To ensure that site facilities are functional, readily accessed from dwellings, visually attractive, blend in with the development and street character and require minimal maintenance.

Performance criteria The site facilities objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Mail Boxes</p> <p>P1 Mail boxes are located for convenient access by residents and the delivery authority.</p>	<p>A1.1 Individual mail boxes are located to each ground-floor entry of residential accommodation or a mail box structure is located close to the major pedestrian entrance to the site.</p>
<p>Antennae</p> <p>P2 Telecommunications facilities are provided to serve the needs of residents and do not present any adverse visual impacts.</p>	<p>A2.1 The number of television antennae and other receiving structures is kept to a minimum or, where appropriate, a receiver is provided to serve all dwellings within a single building.</p>

Element 10. Non-Residential Uses

Objective

- To ensure non-residential development is of a type, scale and character which will maintain an acceptable level of amenity.

Performance criteria	Acceptable solutions
The non-residential uses objective may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Amenity</p> <p>P1 Non-residential use does not result in detrimental impacts to residential amenity having regard to traffic, parking, noise, odour, signage and safety.</p>	<p>A1.1 The scale and character of non-residential buildings is compatible with the residential nature of the locality.</p> <p>A1.2 The level of noise and volume of traffic is not greater than the expected level associated with the regular activities of a residential area.</p> <p>A1.3 Car parking is provided and designed appropriate for the site.</p> <p>A1.4 Traffic can manoeuvre in and out of the site in a forward direction.</p> <p>A1.5 Noise from the development does not exceed the background noise level (LA90) by more than 5dB(A) during approved business hours and does not exceed the background noise level at any frequency outside approved business hours.</p> <p>A1.6 Hours of operation are to be restricted to normal business hours.</p>

Element 11. Signage

Objectives

- The residential character of the locality is maintained; and
- Any signage is appropriate for the locality and does not detract from the development or the street character.

Performance criteria The signage objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Signage</p> <p>P1 Signs are appropriate for the nature of the business and the locality.</p>	<p>A1.1 Signage shall:</p> <ul style="list-style-type: none"> - Be non-moving; - Relate to the lawful use of the building (except for temporary signs) on which the sign is located; - Not be detrimental to the character and functioning of the building; - Not cover mechanical ventilation inlet or outlet vents; - Not obstruct the sight line of vehicular traffic; - Not obstruct pedestrian traffic; and - Not be illuminated or flashing.
<p>Business Identification Signage</p> <p>P2 Signs are appropriate for the nature of the business and the locality.</p>	<p>A2.1 Home-based child care, home business, home industry and home occupation development signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have one sign per premises. - Have a maximum area — 0.75 m²; and - Not advertise specific products or brands. <p>Note: Signs meeting the above requirements will not require development approval.</p>

Performance criteria The signage objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>A2.2 Permissible non-residential development signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have one sign per premises; and - Have a maximum area 1.5 m². <p>Note: Signs meeting the above requirements will not require development approval.</p>
<p>Real Estate Signs (Advertising Premises or Land Sale or Rent)</p> <p>P3 Signs are appropriate for the residential locality and are of a temporary nature.</p>	<p>A3.1 Real estate signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have a maximum area—3 m²; and - Be removed within seven days after the premises or land is sold or let. <p>Note: Signs meeting the above requirements will not require development approval.</p>
<p>Temporary Signs (Special Events)</p> <p>P4 Signs are appropriate for the residential locality and are of a temporary nature.</p>	<p>A4.1 Temporary (special events) signage shall:</p> <ul style="list-style-type: none"> - Meet the general requirements for signage (P1); - Have a maximum of two signs onsite; - Have a maximum one sign off site, which if located in a road reserve shall be acceptable to the relevant road authority in terms of location, traffic and pedestrian safety; - Have a maximum area 1.5 m² and maximum height of 1.5 m; - Not include commercial advertising apart from the name of any event sponsors; and

Performance criteria The signage objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<ul style="list-style-type: none"> - Not be displayed earlier than one month before or later than two days after the event. <p>Note: Signs meeting the above requirements will not require development approval.</p>

**REPORT: Planning Proposal (R15-1) -
Additional Permitted Use (Hotel or Motel
Accommodation) - Public Exhibition Results**
Property: 20L Chapmans Road Dubbo
Applicant: Geolyse Pty Ltd
Owner: Stanaway Pty Ltd

AUTHOR: Manager City Strategy Services
REPORT DATE: 17 May 2016
TRIM REFERENCE: ID16/353

EXECUTIVE SUMMARY

A Planning Proposal (R15-1) was lodged with the former Dubbo City Council on 8 September 2015 by Geolyse Pty Ltd on behalf of the owner, Stanaway Pty Ltd that seeks to amend the Dubbo Local Environmental Plan 2011 (LEP).

The Planning Proposal is seeking to allow the additional permitted use of hotel or motel accommodation in the LEP in respect of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only.

The former Dubbo City Council at its meeting on 22 February 2016 considered a report in relation to the Planning Proposal and resolved as follows:

- “1. That Council support the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to include hotel or motel accommodation as an additional permitted use of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only.*
- 2. That Council support a minimum 14 day public exhibition period for the Planning Proposal.*
- 3. That Council resolve to use its delegation under Section 59 of the Environmental Planning and Assessment Act 1979 to draft the amendment to the Dubbo Local Environmental Plan 2011.*
- 4. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.”*

A Gateway Determination which allowed the Planning Proposal to be placed on public exhibition was received from the Department of Planning and Environment on 11 March 2016. The Planning Proposal was placed on public exhibition from 24 March 2016 to 22 April 2016. As part of this process, consultation was also required with a number of state public agencies.

No public submissions were received in respect of the Planning Proposal. However, three (3) submissions were received from state public agencies. The public agency submissions are provided here in **Appendix 1**.

It is recommended that Council support the proposed amendment to the Dubbo Local Environmental Plan 2011, without any variation, and that a request be made to Parliamentary Counsel to draft and finalise the amendment to the LEP.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

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

RECOMMENDATION

- 1. That the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to include 'hotel or motel accommodation' as an additional permitted use of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only, be endorsed.**
- 2. That Council request Parliamentary Counsel to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 under Section 59(1) of the Environmental Planning and Assessment Act, 1979.**
- 3. That the people who made a submission be thanked and advised of Council's determination in this matter.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

A Planning Proposal was lodged with the former Dubbo City Council on 8 September 2015 by consultants, Geolyse on behalf of the owner, Stanaway Pty Ltd. The Planning Proposal is seeking to allow the additional permitted use of hotel or motel accommodation in the Dubbo Local Environmental Plan 2011 (LEP) in respect of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only.

The former Dubbo City Council at its meeting on 22 February 2016 considered a report in relation to the Planning Proposal and resolved as follows:

- “1. That Council support the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to include hotel or motel accommodation as an additional permitted use of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only.*
- 2. That Council support a minimum 14 day public exhibition period for the Planning Proposal.*
- 3. That Council resolve to use its delegation under Section 59 of the Environmental Planning and Assessment Act 1979 to draft the amendment to the Dubbo Local Environmental Plan 2011.*
- 4. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.”*

The Planning Proposal and supporting documentation was forwarded to the Department of Planning and Environment with a request for an initial Gateway Determination on 29 February 2016.

REPORT

1. Gateway Determination

A Gateway Determination from the Department of Planning and Environment (DPE) was received on 11 March 2016 which allowed the Planning Proposal to proceed subject to the following conditions:

- “1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:*
 - (a) the planning proposal must be made publically available for a minimum of 28 days; and*
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publically available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).*

2. *Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979 and/or to comply with the requirements of relevant section 117 Directions:*

- (a) Office of Environment and Heritage*
- (b) NSW Roads and Maritime Services*
- (c) NSW Rural Fire Service*

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. *A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act, 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
4. *Prior to the submission of the planning proposal under section 59 of the EP&A Act the Additional Permitted Use Map is to be compliant with the Department's 'Standard technical requirements for LEP Maps'.*
5. *The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination."*

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Planning Proposal was placed on public exhibition from 24 March 2016 until 22 April 2016, inclusive.

The Planning Proposal was displayed at the Dubbo Branch of the Western Plains Regional Council, the Dubbo Branch of the Macquarie Regional Library and on Council's website. Advertisements were also placed in local print media and correspondence was sent to land owners immediately adjoining the subject site.

No public submissions were received in relation to the Planning Proposal.

3. Public Authority Consultation

In accordance with the requirements of the Gateway Determination, consultation was undertaken with the Office of Environment and Heritage, NSW Roads and Maritime Services and the NSW Rural Fire Service. Submissions provided by state public agencies are included here in **Appendix 1**.

The following information details the issues raised in the submissions provided by the public agencies and a relevant response where considered necessary.

Submission 1 – Office of Environment and Heritage (OEH)

- *Based on the information provided, the OEH has no specific comments to make on the proposed amendment at this stage.*

Comment:

Noted.

Submission 2 – NSW Rural Fire Service (RFS)

- *The NSW RFS has reviewed the proposal and raises no objections subject to a requirement that the future development of the land complies with Planning for Bushfire Protection 2006.*
- *It should be noted that the conditions issued for the temporary use of the subject for hotel/motel accommodation in the bush fire safety authority issued 27 November 2015 remain applicable to the development.*

Comment:

It is considered that the issues raised in the submission do not require any further consideration in the Planning Proposal. It is noted that any future development of the land would be required to meet the requirements of the NSW Rural Fire Service's Planning for Bushfire Protection 2006.

Submission 3 – NSW Roads and Maritime Services (RMS)

- *RMS notes the proposed amendment is to allow the subject land to be used as an accommodation facility. The subject land has previously been used for hostel accommodation; however, the new land use zonings that apply to the land (R2 Low Density Residential and R5 Large Lot Residential) prohibit this land use activity. By amending Schedule 1, these activities will still be prohibited within these zones, with the exception of land(s) listed in Schedule 1.*
- *Vehicular access to the land is from Chapmans Road to the north of the site towards Minore Road. Vehicular access from the land to Blackbutt Road (to the south and east) is prevented by way of an earthen embankment on the western side of the intersection of Blackbutt and Joira Roads. RMS supports the prevention of further vehicular access to Blackbutt Road and notes the planning proposal does not include changes to this arrangement.*
- *Given vehicular access arrangements are not proposed to be changed, RMS will not object to the planning proposal and makes no submission.*

Comment:

It is considered that the issues raised in the submission do not require any further consideration in the Planning Proposal. Future development of the subject site will be required to meet the requirements of the NSW Roads and Maritime Services including the preference of the RMS to prevent further vehicular access to Blackbutt Road from the subject site.

4. Legal Drafting of the LEP

Subject to endorsement of the Planning Proposal by Council, a request will be provided to Parliamentary Counsel to seek preparation of the draft Dubbo Local Environmental Plan under section 59(1) of the Environmental Planning and Assessment Act, 1979.

Parliamentary Counsel will liaise directly with Council about the content of the draft amendment. Once the content of the draft Plan has been finalised, Council will receive an Opinion from Parliamentary Counsel stating that the Plan can be made.

5. Making of the LEP

As delegate for the Planning Proposal, Council must further consider the adoption of the draft amendment to the LEP under Section 59(2) and (3) of the Environmental Planning and Assessment Act, 1979. If Council decides to make the Plan with or without any variation, a copy of the Planning Proposal and all relevant documentation shall be sent to the Department of Planning and Environment with a request for the Plan to be notified. The Department will then arrange for Parliamentary Counsel to notify the Plan on the NSW Legislation website.

The amendment to the Dubbo LEP 2011 will come into force on the day it is published on the NSW Legislation website.

SUMMARY

A Planning Proposal was lodged with the former Dubbo City Council on 8 September 2015 by consultants, Geolyse Pty Ltd on behalf of the owner, Stanaway Pty Ltd, that seeks to allow the additional permitted use of hotel or motel accommodation in the Dubbo Local Environmental Plan 2011 (LEP) in respect of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only.

The Planning Proposal is considered to be consistent with all relevant State Environmental Planning Policies and the majority of applicable Section 117 Directions. The Planning Proposal is also considered to be consistent with the provisions of the Dubbo Urban Areas Development Strategy.

It is recommended that Council support the Planning Proposal, without any variation, to amend the Dubbo Local Environmental Plan 2011.

Appendices:

- 1** Submissions (3)



DOC16/162280
R2015-1 Part 1 Parcel 11864

Mr Steven Jennings
Manager City Strategy Services
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Mr Jennings

**Proposed Amendment to Dubbo Local Environmental Plan 2011 - Additional Permitted Use
20L Chapmans Road Dubbo**

Thank you for your letter, dated 15 March 2016, seeking comment from the Office of Environment and Heritage (OEH) on proposed additional permitted use on Lot 3 DP 554158, 20L Chapmans Road, Dubbo.

The OEH has the following primary areas of interest relating to strategic land use planning proposals:

1. The impacts of development and settlement intensification on biodiversity and Aboriginal cultural heritage;
2. Adequate investigation of the environmental constraints of affected land;
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs).
4. Ensuring that development within a floodplain is consistent with the NSW Government's Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We also understand that planning proposals must comply with current statutory matters such as the Local Planning Directions under S117 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

We generally support strategic planning proposals which:

- Avoid rural settlement intensification in areas of biodiversity value, Aboriginal cultural heritage value and other environmentally sensitive areas;
- Include objectives, such as 'no net loss of native vegetation', that will ensure the LEP supports the NSW State Natural Resource Management Targets and Catchment Management Authority Action Plans; and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

Based on the information provided, the OEH has no specific comments to make on the proposed amendment at this stage. Attachment A includes our generic recommendations for local government

PO Box 2111 Dubbo NSW 2830
Level 1, 48-52 Wingewarra Street Dubbo NSW 2830
Tel: (02) 6883 5330 Fax: (02) 6884 8675
ABN 30 841 387 271
www.environment.nsw.gov.au

strategic planning. Council should ensure that those matters within Attachment A which are relevant to the proposal have been appropriately addressed.

If additional information relating to the proposal indicates that areas within OEH responsibilities require further investigation, we may provide future input. Should you require further information, please contact Michelle Howarth, Conservation Planning Officer on (02) 6883 5339.

Yours sincerely



PAUL HOUSTON
Acting Senior Team Leader Planning, North West
Regional Operations Group

20 April 2016

Contact officer: MICHELLE HOWARTH
02 6883 5339

ATTACHMENT A**Office of Environment and Heritage (North West Branch) general advice
for local government strategic planning 2013****BIODIVERSITY VALUES**

Rural settlement intensification can have significant impacts on biodiversity. Development will have short and long-term negative impacts on biodiversity. These negative impacts are caused by activities such as:

- the clearing of house and building sites
- the disturbance caused by infrastructure (such as new roads, fence lines, dams and access to utilities), and
- the construction of asset protection zones for statutory fire protection.

The cumulative effect of multiple subdivisions will magnify these substantial impacts on biodiversity. These impacts are not regulated by the *NSW Native Vegetation Act 2003* (NV Act).

There is also a need to recognise climate change as a severe and wide ranging threat to biodiversity in NSW. Rising temperatures and sea-levels, changed rainfall and fire regimes will affect biodiversity in complex and often unpredictable ways. As a result of climate change, current threats to biodiversity, including habitat loss, weeds, pest animals and drought, are expected to intensify.

In many cases, existing approaches to biodiversity conservation (protection of intact vegetation, species recovery, mitigation of current threats and revegetation and restoration activities) will form the basis of adaptation programs to address the impacts of climate change. Reducing existing threats to biodiversity, such as habitat loss, pests and weeds is the most effective option for enabling species to adapt to climate change (at least in the short term) as this will increase the capacity of species to persist in their current locations and form the base from which migration can occur.

Council has the responsibility to control the location and, to a degree, development standards of settlement and other land use intensification. Local Environmental Plans (LEPs) can be used to avoid settlement and development in Environmentally Sensitive Areas (ESAs) including areas of remnant native vegetation.

The S117 Directions (*Environmental Planning and Assessment Act 1979*) require that Councils in preparing a new LEP must include provisions that facilitate the protection and conservation of ESAs. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the LGA, as afforded by the current LEP.

As a matter of priority the OEH recommends six actions be taken by Councils when developing new LEPs. These will address the S117 Directions, and protect biodiversity from growth, development and associated pressures and changes:

1. Implement appropriate Environmental Zonings.
2. Avoid development in remnant native vegetation.
3. Establish large minimum lot sizes.
4. Conduct comprehensive environmental studies if areas of high environmental sensitivity occur in sites where there is a strong imperative to intensify land use.
5. Include a biodiversity overlay and clauses within the LEP.
6. Define biodiversity protection and management measures in Development Control Plans.

1. Implement appropriate Environmental Zonings

The zone, E1 'National Parks and Nature Reserves', should be applied to all of the OEH estate within the LGA. We also encourage Councils to apply other environmental and water ways zones in appropriate areas.

The E1 zoning is intended to apply to all lands acquired under the *National Parks and Wildlife Act 1974* (NP&W Act), and therefore is not limited to only the 'National Park' and 'Nature Reserve' classifications.

OEH is also strongly supportive of the implementation of appropriate environmental zonings to other areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2-E4 and W1-W2 to provide as much protection as possible to biodiversity and ecological communities. Specific advice regarding the use of these zones is included in Practice Note previously forwarded to Council.

In particular, we advocate the application of the E2 zone to areas of private or Crown lands that are presently managed primarily for conservation (such as crown reserves or areas under conservation covenants).

We also recommend that Travelling Stock Reserves (TSRs) with known conservation values are included in E3 zones at a minimum, although E2 zoning would be preferred. Mapping of TSRs, including identified conservation values, is available via the Grassy Box Woodlands Conservation Management Network. This mapping can be accessed via <http://gbwcmn.net.au/node/6>.

2. Avoid development in remnant native vegetation

- Council, through the Land Use Strategy and LEP, can protect biodiversity by avoiding development such as settlement and other land use intensification, in areas of remnant native vegetation.
- Development should be directed to areas that have already been cleared, unless such areas have been identified as having environmental importance (eg targeted by a Catchment Management Authority for revegetation to improve regional connectivity).

Avoiding development in areas of native vegetation will contribute to the achievement of Catchment and State biodiversity targets.

Settlement should also be avoided in locations that are likely to be targeted for investment by the Catchment Management Authority (CMA). Landholders in such areas may receive incentive funding for protection and enhancement of native vegetation or revegetation of cleared areas.

OEH will not support strategic land use recommendations or LEP provisions that allow further settlement opportunities in these areas, particularly if Council assumes that ongoing management could be effectively controlled by complex DCP rules.

To assist, the best available mapping of remnant native vegetation has been supplied to Council as part of an interagency package of Environmentally Sensitive Area (ESA) mapping and associated Technical and Practice Notes to help Council identify areas where further settlement intensification should not be allowed. At the broad strategic level, these maps can be used to identify areas that are most likely to be free from significant land, water or biodiversity constraints, therefore more suited to development.

Excluding remnant native vegetation from development pressure on private land could be largely achieved by retaining such areas on relatively large holdings, within RU1 and RU2 zones for example. This would also allow the CMA approval processes, under the *Native Vegetation Act 2003*, to be applied.

Similarly, higher density settlement in 'fire prone' locations should be avoided in the first instance. Where residential areas abut native vegetation there is pressure for the required Asset Protection Zones and other hazard management measures to encroach on that vegetation, particularly where adequate existing cleared land has not been retained to fulfil that role.

Avoiding settlement in remnant native vegetation is also likely to avoid bushfire prone lands and protect any Aboriginal cultural heritage that may remain in such areas.

3. Establish large minimum lot size limits

Minimum lot size limits should be large in RU1 and RU2 zones as well as environmentally sensitive areas. This will reduce the pressures of development and settlement on biodiversity in rural lands.

Minimum lot size limits can be used to reduce the pressures of development and settlement on biodiversity. The LEP should define realistically large minimum lot size limits with associated dwelling provisions to control the intensity of development and settlement.

In particular, Council needs to ensure that minimum lot sizes in environmentally sensitive areas are of an appropriately large size to control the cumulative impact of any development and settlement intensification permitted in those areas by the LEP.

Council needs to adopt a risk-based approach to this matter. The selected sizes should be designed to meet expectations of rural living while minimising the adverse environmental impacts of any settlement that may occur with the sub division.

If Council is strongly of the opinion that lot sizes need to be reduced then this should not be applied uniformly across the shire with environmentally sensitive areas excluded from such revisions.

4. Conduct targeted environmental studies

Where development in areas of native vegetation or environmentally sensitive areas cannot be avoided, a targeted environmental study should be conducted. This should focus on ensuring a "maintain or improve" outcome for biodiversity.

Where Council is unable to avoid applying zonings or minimum lot sizes which permit essential development intensification in remnant native vegetation, a targeted study should be conducted to investigate the biodiversity values of the area. Any study should determine how potential impacts can be mitigated or, where this is not possible, offset through conservation management of other areas.

This study and any resulting objectives and zonings should aim to ensure a 'maintain or improve' outcome. This is a vital step in the strategic planning process and in effectively addressing the S117 Directions.

5. Include a biodiversity overlay and suitable clauses within the LEP

OEH strongly recommends the use of overlays and associated provisions with the LEP to provide additional protection for biodiversity.

It is particularly important to define assessment and development control provisions for those instances where development or settlement intensification cannot be avoided in remnant native vegetation.

LEPs should include objectives and provisions that require a 'maintain or improve' outcome for native vegetation and threatened species whenever clearing of native vegetation or environmentally sensitive areas cannot be avoided

Overlays can also be used to update any existing 'environmentally sensitive lands' provisions in current LEP and therefore meet the requirements of the S117 Directions to at least maintain existing environmental protection standards.

Importantly, the use of such overlays is consistent with the Department of Planning and Infrastructure (DoPI) Practice Note PN 09–002v (30 April 2009) on environmental zones¹ which states:

'Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated ('overlay') map.

The benefits of this approach include:

- *The intended conservation or management outcomes for land can be clearly articulated in the LEP.*
- *Areas are clearly defined and controls streamlined.*
- *Sub-zones are not created. (These are not permitted under the standard instrument).*

Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision’.

OEH advocates the inclusion of the environmentally sensitive land overlays developed by the former Departments of Water and Energy, Environment and Climate Change, and Primary Industries (Fisheries). These overlays and clauses have been prepared to provide Council with information on resource assets and environmental constraints and how these assets and constraints should be managed during the assessment of development applications. The use of the environmentally sensitive areas overlays supplied by agencies is now common-place in both exhibited and gazetted LEPs.

The use of these overlays and clauses and how these may affect land uses are outlined in the previously mentioned Practice Note and Technical Note. When implemented in this way the layers and clauses do not exclude development. Rather, they act as a flag for values that may be present at a site. Sites should be checked for these potential values prior to any development approval. If the values are present at the site, the impact should be avoided or, if this is not possible, at the very least minimised and mitigated.

6. Define biodiversity protection and management measures in Development Control Plans

Biodiversity protection and management measures should be defined in Development Control Plans (DCP) for all areas zoned for rural small holdings, residential and other development intensifications.

We view DCPs as a secondary mechanism to provide biodiversity protection and management measures. It is vital that biodiversity values are first considered strategically in zoning decisions and development assessment provisions. We do not consider it acceptable to completely defer consideration of these matters to the DCP stage.

It is also important to consider the threats to remnant native vegetation posed by adjoining land uses.

For example, threats to biodiversity associated with nearby growth and intensification of residential land use include (but are not limited to):

- clearing,
- domestic animals,
- invasive plants,
- effluent and waste dispersion,
- changes in hydrology and hydraulics,
- increasing access due to fire trails and other tracks, and
- firewood collection.

Particular attention should be paid to relevant Key Threatening Processes identified and listed under the TSC Actⁱ. Mechanisms to abate threats to ESAs (such as implementing codes of practice, best management practice, alternative designs and operations, control technology and buffers between remnant vegetation and small holdings) should be considered.

Council should recognise that buffers may be necessary between environmentally sensitive areas and other land uses. The size of the buffer will vary depending on the nature or activity being undertaken and the level of management control required to prevent or minimise adverse impacts. Provisions should be made to rigorously assess any developments within environmentally sensitive areas and adjoining buffers to prohibit land uses and activities that threaten the ecological integrity, values and function of the area.

Some forms of development adjacent to national parks and reserves can impact on their values and should be avoided or restricted. Council should consider how these areas could be buffered from incompatible development and activities so that potential conflicts can be minimised.

The OEH Guidelines for Developments Adjoining OEH Estateⁱⁱⁱ have been designed to assist Councils when they are assessing development on lands adjoining OEH estate. However, the issues identified in these guidelines are also relevant when considering buffers for protection of environmentally sensitive areas.

ABORIGINAL CULTURAL HERITAGE

Land Use Strategies, LEPs and DCPs should aim to identify and protect culturally sensitive areas, rather than relying on site by site development assessment.

Aboriginal objects, places and areas are protected across all land tenure under the *National Parks and Wildlife Act 1974*. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage.

It is clear from the S117 directions and mandatory clauses in the Standard Instrument that DoP supports a **strategic approach** to the protection of Aboriginal cultural heritage. Provisions to facilitate the strategic conservation of Aboriginal cultural and heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.

We strongly recommend that Councils develop planning strategies that result in the **avoidance** of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.

Specifically, it is important to:

- Develop a framework for effective Aboriginal engagement; and
- Identify sensitive and least sensitive areas through:
 - accessing existing Aboriginal site information;
 - cross reference to landscape information;
 - assessment of areas of potential development/settlement intensification;
 - use of the Department's search tools;
 - reports from previous studies.
 - Aboriginal knowledge; and by
 - Undertaking site surveys to ground truth assumptions.

We offer the following advice to aid Council efforts in adequately addressing Aboriginal cultural heritage assessment and protection within strategic planning documents and environmental planning instruments:

1. The Aboriginal Heritage Information Management System

Councils should contact the OEHL to seek access to the Aboriginal Heritage Information Management System (AHIMS) prior to the drafting of any new Land Use Strategy or LEP. AHIMS is the State register of known Aboriginal site locations. A data licence agreement between the OEHL and Council can be prepared on application. Information about obtaining a data licence is available on the OEHL website⁹. Alternatively, the AHIMS Registrar can be contacted by phone on (02) 9585 6513 or (02) 9585 6345 or by email at ahims@environment.nsw.gov.au.

2. Aboriginal Heritage Study

We recommend using the AHIMS data, along with any previous landscape assessments of the occurrence of Aboriginal objects and sensitive areas, to assist in developing effective strategies to assess impacts to Aboriginal sites in areas being considered for future development. The selection of landscape mapping to overlay with AHIMS site data will highlight distribution patterns between landscape features and Aboriginal sites. This information can assist in identifying potential areas of sensitivity in locations where no location information for Aboriginal sites exists.

OEHL can be contacted to advise on data searches for previous cultural and heritage studies undertaken in each Council LGA, and discuss the potential for appropriate desktop tools for use in cultural heritage management.

We recommend that the strategic planning process be used to initiate the development of a strategic framework for engaging local Aboriginal community interests to ensure that active engagement with Aboriginal people evolves over time.

3. Implement a range of tools to ensure strategic management of Aboriginal cultural heritage

We strongly recommend that Councils aim to protect identified areas of Aboriginal cultural sensitivity through:

- The designation of appropriate zoning provisions and boundaries where possible,
- Inclusion on the Heritage Map of any specific important areas identified (which will enable the mandatory clauses in the Standard Instrument to be effectively applied),
- The generation of a cultural heritage constraints map which could be used in a similar way to the ESA layers provided by the natural resource management agencies,
- Appropriate provisions within DCPs to ensure adequate assessment and protection of Aboriginal cultural heritage values,
- Formation of an Aboriginal community Advisory Group to ensure on going input and dialogue on identification and management of Aboriginal cultural heritage for the LGA

4. Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales^v

This code of practice is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The NPW Act allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the *National Parks and Wildlife Regulation 2009* (NPW Regulation) made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments.

This code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- identify whether or not Aboriginal objects are, or are likely to be, present in an area
- determine whether or not their activities are likely to harm Aboriginal objects (if present)
- determine whether an AHIP application is required.

When formulating DCPs and other planning controls, Council should require proponents to undertake due diligence in accordance with the Code of Practice. Proponents should provide Council with evidence that the due diligence process has been followed.

ⁱ <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/-/media/F1001EC0B1C443CD83286163B43891B8.ashx>

ⁱⁱ **Key Threatening Processes:**
<http://www.environment.nsw.gov.au/threatenedspecies/KeyThreateningProcesses.htm>

ⁱⁱⁱ **Guidelines for Development Adjoining DECCW Estate:**
<http://www.environment.nsw.gov.au/protectedareas/developmentadjoiningdecc.htm>

^{iv} <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>

^v **Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW**
<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>



NSW RURAL FIRE SERVICE



The General Manager
Dubbo City Council
PO Box 81
Dubbo NSW 2830

Your reference: R2015- 1 Part 1
Our reference: L09/0003

3 May 2016

Attention: Melissa Watkins

Dear Sir/Madam,

Planning Proposal – Proposed Amendment to Schedule 1 of the Dubbo Local Environmental Plan 2011

Reference is made to Council's correspondence dated 8 April 2016 seeking comments in relation to the above planning proposal which seeks to amend Schedule 1 of the Dubbo Local Environmental Plan 2011 to include an additional permitted use at 20L Chapmans Road, Dubbo for hotel or motel accommodation.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal and raises no objections subject to a requirement that the future development of the land complies with *Planning for Bush Fire Protection 2006*.

It should be noted that the conditions issued for the temporary use of the subject for hotel/motel accommodation in the bush fire safety authority issued 27 November 2015 (NSW RFS Ref. D15/2677 and Council Ref. D2015-428) remain applicable to the development. The conditions have been included with this correspondence below.

Asset Protection Zones:

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- ▶ Prior to the commencement of commercial operations, and in perpetuity, the property around the building complex shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - ▶ Northeast / East / Southeast: 50m Inner Protection Area and 20m Outer Protection Area
 - ▶ South / Southwest / West / Northwest / North: 40m Inner Protection Area and 20m Outer Protection Area
- ▶ 20 metre wide fuel managed corridors are required to be provided to both sides of the existing driveway. The corridors are to be managed as inner protection areas (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Postal address

NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address

NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8741 5433
E csc@rfs.nsw.gov.au
www.rfs.nsw.gov.au

- Where the rear or most distant part of any habitable structure within the complex building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1–2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road/driveway. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, should a hydrant system not be able to be provided on site, an 20 000 litre water supply shall be provided for fire fighting purposes in the vicinity of the complex which complies with the relevant requirements for non-reticulated water supply areas as specified in section 4.1.3 Services of Planning for Bush Fire Protection 2006.
- Electricity and gas provisions are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- The existing property access road/internal road is to be upgraded where required to comply with the following:
 - The road must be two wheel drive, have a minimum carriageway width of 4 metres, capable of carrying a load of 15 tonnes and constructed of a material that is usable in all weather conditions.
 - Any carriageway constriction along the road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
 - The road must have a grade of no greater than 15° if sealed, or no greater than 10° if unsealed, and a maximum crossfall of 10°, and
 - A minimum vertical clearance of 4 metres must be provided to any overhanging obstruction, including tree branches.
 - 6. A minimum 3.5 metre wide gate shall be provided on the north eastern boundary of the site to enable emergency evacuation.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- In recognition of the isolated location of the development an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'. The emergency/evacuation plan is required to specifically address how evacuation would be managed should a fire approach from the north west and prevent use of the access road to the property. A completed copy of the plan is required to be provided to the local NSW Rural Fire Service office and NSW Fire & Rescue Station prior to commencement of operations.
- A sign board to be provided at the access point from Chapmans Road. The sign board shall provide a schematic layout of the complex, complete with building names/numbers and access routes. The layout shall also show any hydrant or fire hose reel locations.

Design and Construction

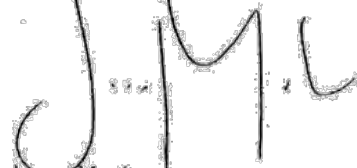
The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- The existing buildings within the complex are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub-floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- All guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Any new fencing within or around the site is required to be erected in accordance with NSW RFS Fast Fact 2/06.

If you have any queries regarding this advice, please contact Emma Jensen, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Jason Maslen
Team Leader, Development Assessment and Planning
Planning and Environment Services (East)



Transport
Roads & Maritime
Services

4 May 2016

SF2016/067933; WST16/00075

General Manager
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Sir,

**Planning Proposal: Lot 3 DP 554158; 20L Chapmans Road, Dubbo;
Amendment to Schedule 1 of Dubbo Local Environmental Plan 2011**

Thank you for your letter dated 15 March 2016 referring to Roads and Maritime Services a proposal to amend Schedule 1 of the *Dubbo Local Environmental Plan 2011*. Reference is made to a telephone conversation between Steve Jennings from Dubbo City Council and Andrew McIntyre from Roads and Maritime on 27 April 2016. As discussed during the telephone conversation, the referral was not delivered to Roads and Maritime's office until 14 April 2016. To prevent delays in receiving referrals, Roads and Maritime suggests future referrals are sent electronically to: development.western@rms.nsw.gov.au

Roads and Maritime notes the proposed amendment is to allow the subject land to be used as an accommodation facility. The subject land has previously been used for hostel accommodation; however, the new land use zonings that apply to the land (R2 Low Density Residential and R5 Large Lot Residential) prohibit this land use activity. By amending Schedule 1, these activities will still be prohibited within these zones, with the exception of land(s) listed in Schedule 1.

Vehicular access to the land is from Chapmans Road to the north of the site towards Minore Road. Vehicular access from the land to Blackbutt Road (to the south and east) is prevented by way of an earthen embankment on the western side of the intersection of Blackbutt and Joira Roads. Roads and Maritime supports the prevention of further vehicular access to Blackbutt Road and notes the planning proposal does not include changes to this arrangement.

Given vehicular access arrangements are not proposed to be changed, Roads and Maritime will not object to the planning proposal and makes no submission.

I trust this information is of assistance. Should you require further information please contact Andrew McIntyre, Manager Land Use Assessment, on 02 6861 1453.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dane Hendry'.

Dane Hendry
Acting Network & Safety Manager
Western

Roads and Maritime Services

REPORT: Planning Proposal (R15-2) - Secondary Dwelling Provisions - Proposed Amendment to Clause 5.4(9)(b) of the Dubbo Local Environmental Plan 2011 - Results of Public Exhibition

AUTHOR: Manager City Strategy Services
REPORT DATE: 17 May 2016
TRIM REFERENCE: ID16/356

EXECUTIVE SUMMARY

A Planning Proposal (R15-1) was lodged with the former Dubbo City Council on 8 September 2015 by Geolyse Pty Ltd on behalf of the owner, Stanaway Pty Ltd that seeks to amend the Dubbo Local Environmental Plan 2011 (LEP).

The Planning Proposal is seeking to allow the additional permitted use of hotel or motel accommodation in the LEP in respect of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only.

The former Dubbo City Council at its meeting on 22 February 2016 considered a report in relation to the Planning Proposal and resolved as follows:

- “1. That Council support the Planning Proposal to amend the Dubbo Local Environmental Plan 2011 to include hotel or motel accommodation as an additional permitted use of Lot 3 DP 554158, 20L Chapmans Road, Dubbo only.*
- 2. That Council support a minimum 14 day public exhibition period for the Planning Proposal.*
- 3. That Council resolve to use its delegation under Section 59 of the Environmental Planning and Assessment Act 1979 to draft the amendment to the Dubbo Local Environmental Plan 2011.*
- 4. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.”*

A Gateway Determination which allowed the Planning Proposal to be placed on public exhibition was received from the Department of Planning and Environment on 11 March 2016. The Planning Proposal was placed on public exhibition from 24 March 2016 to 22 April 2016. As part of this process, consultation was also required with a number of state public agencies.

No public submissions were received in respect of the Planning Proposal. However, three (3) submissions were received from state public agencies. The public agency submissions are provided here in **Appendix 1**.

It is recommended that Council support the proposed amendment to the Dubbo Local Environmental Plan 2011, without any variation, and that a request be made to Parliamentary Counsel to draft and finalise the amendment to the LEP.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

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

RECOMMENDATION

- 1. That the Planning Proposal to amend Clause 5.4(9)(b) of the Dubbo Local Environmental Plan 2011 to increase the maximum floor area of a secondary dwelling from 40% of the total floor area of the principal dwelling to 65% of the total floor area of the principal dwelling, be adopted.**
- 2. 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.**
- 3. That the people who made a submission be thanked and advised of Council's determination in this matter.**

Steven Jennings
Manager City Strategy Services

BACKGROUND

The former Dubbo City Council at its meeting on 28 September 2015 considered a report in respect of the provisions of the Dubbo Local Environmental Plan 2011 relating to secondary dwellings. In consideration of the report, Council resolved as follows:

- “1. That Council endorse the findings of the review of the Secondary Dwellings provisions in the Dubbo Local Environmental Plan 2011.*
- 2. That a Planning Proposal be prepared to increase the maximum floorspace limitation for secondary dwellings in Clause 5.4 (9)(b) of the Dubbo Local Environmental Plan 2011 from 40% of the total floor area of the principal dwelling to 65% of the total floor area of the principal dwelling.*
- 3. That a further report be provided to Council for its consideration in respect of the Planning Proposal referenced in recommendation 2 above to commence the Planning Proposal process.”*

A Planning Proposal was prepared following Council’s resolution. The Planning Proposal was considered by the former Dubbo City Council at its meeting on 21 December 2015, where the following was resolved:

- “1. That Council endorse the Planning Proposal to amend Clause 5.4(9)(b) of the Dubbo Local Environmental Plan 2011 to increase the maximum floor area of a secondary dwelling from 40% of the total floor area of the principal dwelling to 65% of the total floor area of the principal dwelling.*
- 2. That Council seek a Gateway Determination from the Department of Planning and Environment to enable the Planning Proposal to be placed on public exhibition.*
- 3. That Council recommend a minimum 28 day public exhibition period for the Planning Proposal to seek the views of the community.”*

The Planning Proposal and supporting documentation were provided to the Department of Planning and Environment with a request for an initial Gateway Determination on 23 December 2015.

REPORT

1. Gateway Determination

A Gateway Determination from the Department of Planning and Environment (DPE) was received on 18 January 2016.

The Gateway Determination provided Council with delegations to perform the plan-making functions of Sections 59(2) and 59(3) of the Environmental Planning and Assessment Act, 1979 in respect of the Planning Proposal. Council provided further correspondence to the Department of Planning and Environment on 5 February 2016, seeking to have this component of the Gateway Determination amended in accordance with the former Dubbo City Council’s resolution in respect of the Planning Proposal.

This correspondence requested the Department of Planning undertake the relevant plan-making functions under the Environmental Planning and Assessment Act, 1979.

The former Dubbo City Council received an amended Gateway Determination from the Department on 29 February 2016 which allowed the Planning Proposal to proceed subject to the following conditions:

- "1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:*
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and*
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).*
- 2. Consultation is required with the following State Agencies under section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:*
 - (a) Department of Primary Industries - Agriculture,*
 - (b) NSW Rural Fire Services, and*
 - (c) Office of Environment and Heritage.*

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
- 4. The timeframe for completing the LEP is to be nine (9) months from the week following the date of the Gateway determination."*

2. Public Exhibition

In accordance with the conditions of the Gateway Determination, the Planning Proposal was placed on public exhibition from 17 March 2016 until 15 April 2016, inclusive.

The Planning Proposal was displayed at the Dubbo Branch of the Western Plains Regional Council, the Dubbo Branch of the Macquarie Regional Library, on Council's website and Council's 'My Dubbo My Say' website. Weekly advertisements were also placed in local print media for the duration of the public exhibition period and two media releases were released during the public exhibition period in respect of the Planning Proposal. Public exhibition of the Planning Proposal was also notified on Council's social media platforms which had a reach of over 1,500 people.

One (1) public submission was received in relation to the Planning Proposal which is included here in **Appendix 1**. The following information details the issues raised in the submission and a comment is provided, where necessary.

Submission 1 – Paul Hermansen

- *"I am a ratepayer within the affected zones and I fully support the proposed changes. I also suggest increasing the number of secondary dwellings in rural or rural residential zones."*

Comment:

The Dubbo Local Environmental Plan 2011 allows for the development of a secondary dwelling on land across a variety of land use zones including the following:

- RU1 Primary Production zone
- RU2 Rural Landscape zone
- RU5 Village zone
- R1 General Residential zone
- R2 Low Density Residential zone
- R5 Large Lot Residential
- B4 Mixed Use zone

The range of zones as provided above account for a significant majority of land in the Dubbo LEP 2011 where the development of a secondary dwelling would be suitable with development consent, in conjunction with another dwelling (the principal dwelling).

3. Public Authority Consultation

In accordance with the requirements of the Gateway Determination, consultation was undertaken with the Department of Primary Industries (Agriculture), NSW Rural Fire Service and the Office of Environment and Heritage. The public authority submissions provided to Council in respect of the Planning Proposal are included here in **Appendix 2**.

The following information details the issues raised in the submissions provided by state public agencies and a relevant response where considered necessary.

Submission 2 – Office of Environment and Heritage

- *OEH has no specific comments to make on the proposed amendment at this stage.*
- *We assume that the proposal has adequately considered the requirements under the Environmental Planning and Assessment Act 1979 of the OEH areas of responsibility.*
- *If additional information relating to the proposal indicates that areas within OEH responsibilities require further investigation, we may provide future input.*

Comment:

It is considered that the Planning Proposal has adequately considered all relevant requirements for planning proposals under the Environmental Planning and Assessment Act, 1979, including consistency with all relevant Section 117 Directions.

Assessment of an individual site for the development of a secondary dwelling is undertaken as a component of the development assessment process.

Submission 3 – Department of Primary Industries

- *NSW DPI has reviewed the information provided and there are no issues regarding impacts on farming and rural industries.*
- *This proposal will not increase dwelling opportunities in the rural zone. As noted secondary dwellings will allow intergenerational occupation to be undertaken. Hence the opportunity to continue to undertake commercial agriculture business operations as the primary outcome of the Primary Production Zone (RU1) will continue.*

Comment:

It is considered that the issues raised in the submission do not require any further consideration in the Planning Proposal.

Submission 4 – NSW Rural Fire Service

- *NSW RFS has reviewed the proposal and raises no objections.*
- *Future development applications for the construction of secondary dwellings, located on bush fire prone land, shall comply with the NSW RFS Fast Fact 4/12 Increased density in a single parcel of land. This includes the provision of minimum asset protection zones within property boundaries in accordance with Table A2.4 of Planning for Bushfire Protection 2006, to achieve a maximum 29kW/m² radiant heat flux in the event of a bush fire.*

Comment:

It is considered that the issues raised in the submission do not require any further consideration in the Planning Proposal. It should be noted that any future development application for the construction of a secondary dwelling on bushfire-prone land will be required to comply with the requirements of the NSW Rural Fire Service.

4. Legal Drafting and Making of the LEP

Subject to endorsement of the Planning Proposal by Council, a request will be provided to the Department of Planning and Environment to prepare the draft Dubbo Local Environmental Plan 2011 under Section 59(1) of the Environmental Planning and Assessment Act, 1979.

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

Following consideration of the Opinion by Council, a request will be provided to the Department to arrange for the Plan to be made. Once the Plan is made, the Department will request Parliamentary Counsel to notify the Plan on the NSW Legislation website.

The draft amendment to the Dubbo Local Environmental Plan will come into force on the day it is published on the NSW Legislation website.

SUMMARY

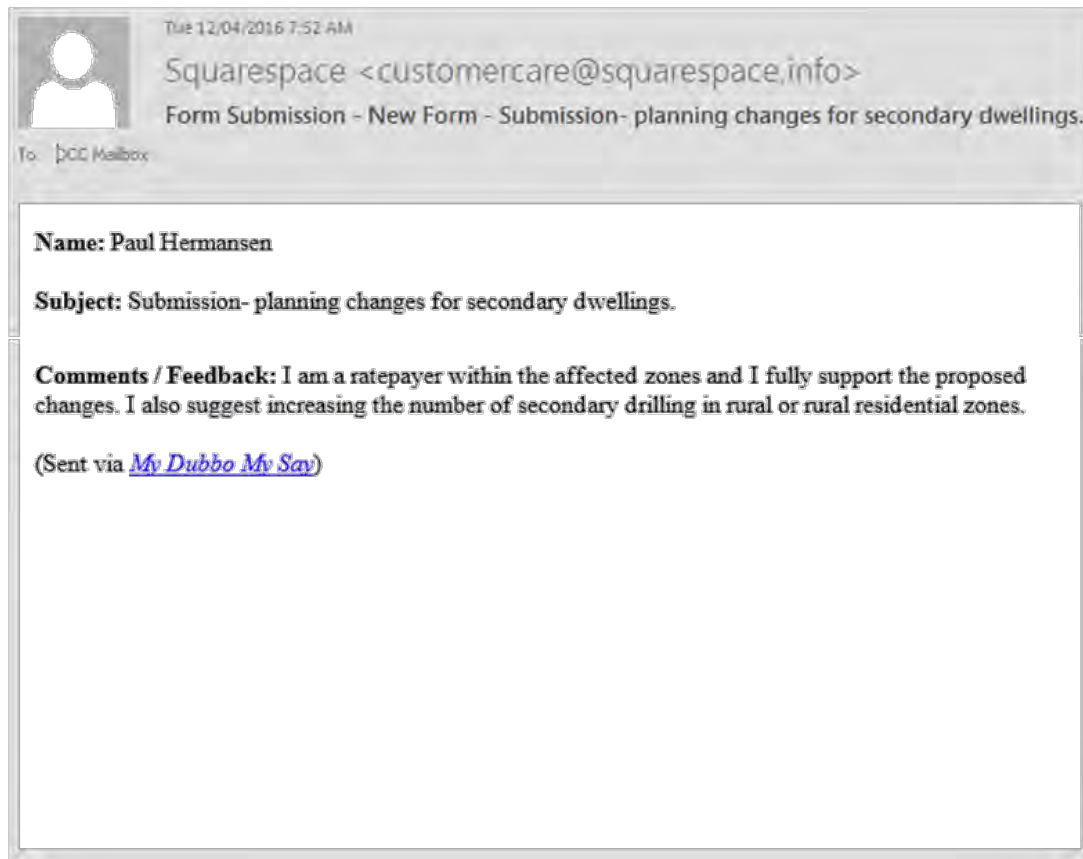
A Planning Proposal was prepared by the former Dubbo City Council that sought to amend Clause 5.4(9)(b) of the Dubbo Local Environmental Plan 2011 to increase the maximum permissible floor area of a secondary dwelling from 40% of the total floor area of the principal dwelling to 65% of the total floor area of the principal dwelling.

The Planning Proposal is considered to be consistent with all relevant State Environmental Planning Policies and the majority of applicable Section 117 Directions. The Planning Proposal is also considered to be broadly consistent with the provisions of the Dubbo Urban Areas Development Strategy and the Dubbo Rural Areas Development Strategy.

It is recommended that Council support the Planning Proposal to amend the Dubbo Local Environmental Plan 2011.

Appendices:

- 1** Public submission
- 2** State agency submissions (3)





DOC16/162329
AU15/1478 AD16/8159

Mr Steven Jennings
Manager City Strategy Services
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Mr Jennings

Proposed Amendment to Clause 5.4 (9)(b) of the Dubbo Local Environmental Plan 2011

Thank you for your letter, dated 21 March 2016, seeking comment from the Office of Environment and Heritage (OEH) on proposed amendment to Clause 5.4 (9)(b) of the Dubbo Local Environmental Plan 2011.

The OEH has the following primary areas of interest relating to strategic land use planning proposals:

1. The impacts of development and settlement intensification on biodiversity and Aboriginal cultural heritage;
2. Adequate investigation of the environmental constraints of affected land;
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs).
4. Ensuring that development within a floodplain is consistent with the NSW Government's Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We also understand that planning proposals must comply with current statutory matters such as the Local Planning Directions under S117 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

We generally support strategic planning proposals which:

- Avoid rural settlement intensification in areas of biodiversity value, Aboriginal cultural heritage value and other environmentally sensitive areas;
- Include objectives, such as 'no net loss of native vegetation', that will ensure the LEP supports the NSW State Natural Resource Management Targets and Catchment Management Authority Action Plans; and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

Based on the information provided, the OEH has no specific comments to make on the proposed amendment at this stage. We assume that the proposal has adequately considered the requirements under the *Environmental Planning and Assessment Act 1979* of the OEH areas of responsibility. If

PO Box 2111 Dubbo NSW 2830
Level 1, 48-52 Wingewarra Street Dubbo NSW 2830
Tel: (02) 6883 5330 Fax: (02) 6884 8675
ABN 30 841 387 271
www.environment.nsw.gov.au

additional information relating to the proposal indicates that areas within OEH responsibilities require further investigation, we may provide future input.

Should you require further information, please contact Michelle Howarth, Conservation Planning Officer on (02) 6883 5339.

Yours sincerely



PAUL HOUSTON
Acting Senior Team Leader Planning North West
Regional Operations Group

Contact officer: MICHELLE HOWARTH
02 6883 5339



Department of Primary Industries

OUT16/16886

The General Manager
Dubbo City Council
PO Box 19
DUBBO NSW 2830

EMAIL: dcc@dubbo.nsw.gov.au

Attention: Stephen Jennings, Manager City Strategy Services

Dear Mr Jennings

**Public Exhibition of Planning Proposal
Proposed Amendment to Clause 5.4(9) (b) of the
Dubbo Local Environmental Plan**

Dear Mr Jennings

Thank you for referring the above planning proposal in your email dated 21 March 2016.

NSW DPI (DPI Agriculture) has reviewed the information provided and I wish to advise that there are no issues regarding impacts on farming and rural industries.

This proposal will not increase dwelling opportunities in the rural zone. As noted secondary dwellings will allow intergenerational occupation to be undertaken. Hence the opportunity to continue to undertake commercial agricultural business operations as the primary outcome of the Primary Production Zone (RU1) will continue.

Please contact Mary Kovac, Resource Management Officer on telephone 6881 1250 or email mary.kovac@dpi.nsw.gov.au if you have further enquiries.

Yours sincerely

A handwritten signature in blue ink that reads 'Liz Rogers'.

LIZ ROGERS
Manager Agricultural Land Use Planning

27 April 2016

Locked Bag 21, Orange, NSW 2800, Australia
161 Kite Street, Orange NSW 2800
Tel: 02 6391 3642 Fax: 02 6391 3543 www.dpi.nsw.gov.au ABN: 72 189 919 072



NSW RURAL FIRE SERVICE



The General Manager
Dubbo City Council
PO Box 81
Dubbo NSW 2830

Your reference: AU15/1478
Our reference: L09/0003

3 May 2016

Attention: Melissa Watkins

Dear Sir/Madam,

Planning Instrument for Public Exhibition Of Planning Proposal – Proposed Amendment To Clause 5.4 (9)(b) Of the Dubbo LEP 2011

Reference is made to Council's correspondence dated 8 April 2016 seeking comments in relation to the above planning proposal and seeks to amend to Clause 5.4(9)(b) of the Dubbo City Council Local Environmental Plan.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal and raises no objections to the proposed:

Future development applications for the construction of secondary dwellings, located on bush fire prone land, shall comply with the NSW RFS *Fast Fact 4/12 Increased density in a single parcel of land*. This includes the provision of minimum asset protection zones within property boundaries in accordance with Table A2.4 of *Planning for Bush Fire Protection 2006*, to achieve a maximum 29kW/m² radiant heat flux in the event of a bush fire.

If you have any queries regarding this advice, please contact Emma Jensen, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Jason Maslen
Team Leader, Development Assessment and Planning
Planning and Environment Services (East)

Postal address

NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address

NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8741 5433
E csc@rfs.nsw.gov.au
www.rfs.nsw.gov.au

**WESTERN
PLAINS
REGIONAL
COUNCIL**

Incorporating the former
Dubbo City & Wellington councils

REPORT: Dubbo Building Summary - April 2016

AUTHOR: Director Environmental Services

REPORT DATE: 17 May 2016

TRIM REFERENCE: ID16/777

EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and residential flat buildings approved in Dubbo and statistics for approved Development Applications for the information of Council, also in Dubbo.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained in this report be noted.

Melissa Watkins

Director Environmental Services

REPORT

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

1. Residential Building Summary

Dwellings and other residential developments approved during April 2016 were as follows:

	<u>April 2016</u>
Dwellings	17
Other residential development	5
(No. of units)	(14)

For consistency with land use definitions included in the Dubbo Local Environmental Plan 2011, residential development has been separated into dwellings and other residential developments. Other residential developments include dual occupancies, secondary dwellings, multi-unit and seniors living housing.

These figures include Development Applications approved by Private Certifying Authorities (Complying Development Certificates).

A summary of residential approvals since 2008-2009 is provided attached as **Appendix 1**.

2. Approved Development Applications

The total number of Development Applications (including Complying Development Certificates) for April 2016 and a comparison with 2015 figures and the totals for the financial years to date for 2016 and 2015 for Dubbo are as follows:

	<u>1 April 2016 – 30 April 2016</u>	<u>1 July 2015 – 30 April 2016</u>
No. of applications	54	640
Value	\$11,227,047	\$151,621,375
	<u>1 April 2015 – 30 April 2015</u>	<u>1 July 2014 – 30 April 2015</u>
No. of applications	57	634
Value	\$22,709,055	\$152,356,585

A summary breakdown of the figures for April 2016 and 2015 is included in **Appendices 2** and **3** and the year-to-date figures are included in **Appendices 4** and **5**.

SUMMARY

The information included in this report is recommended for notation.

Appendices:

- 1** Building Summary
- 2** Approved Development Applications - April 2016
- 3** Approved Development Applications - April 2015
- 4** Approved Development Applications - 1 July 2015 to 30 April 2016
- 5** Approved Development Applications - 1 July 2014 to 30 April 2015

STATISTICAL INFORMATION ON DWELLINGS AND MULTI UNIT HOUSING

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2008/2009													
Dwellings	5	5	4	5	9	8	6	3	5	12	13	7	82
Flat Buildings	1	0	1	3	2	-	2	2	-	1	2	3	17
(No of units)	(2)	(0)	(4)	(6)	(4)	(-)	(4)	(4)	(-)	(2)	(4)	(6)	(36)
2009/2010													
Dwellings	20	11	16	14	7	3	5	11	11	7	12	11	128
Flat Buildings	-	1	1	1	1	3	-	2	2	-	1	-	12
(No of units)	(-)	(2)	(2)	(2)	(2)	(6)	(-)	(4)	(4)	(-)	(4)	(-)	(26)
2010/2011													
Dwellings	8	15	10	7	2	6	-	6	6	6	7	9	82
Flat Buildings	-	1	0	3	1	-	-	1	1	1	4	-	12
(No of units)	(-)	(2)	(0)	(5)	(2)	(-)	(-)	(2)	(2)	(2)	(7)	(-)	(22)
2011/2012													
Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
Flat Buildings	1	1	-	1	2	2	-	-	-	-	-	1	8
(No of units)	(14)	(2)	(-)	(1)	(4)	(3)	(-)	(-)	(-)	(-)	(-)	(16)	(40)
2012/2013													
Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
Flat Buildings	4	6	-	-	1	9	-	-	1	-	2	-	23
(No of units)	(8)	(6)	(-)	(-)	(2)	(11)	(-)	(-)	(2)	(-)	(39)	(-)	(68)
2013/2014 (incl. private certifiers)													
Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
Flat Buildings	-	1	1	-	-	1	4	2	1	2	-	3	15
(No of units)	(-)	(2)	(2)	(-)	(-)	(2)	(46)	(1)	(2)	(4)	(-)	(6)	(65)
2014/2015 (Incl. PCs and redefined land use categories based on LEP definitions)													
Single dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
Multi unit housing	3	1	6	5	6	12	-	4	2	1	9	5	54
(No of units)	(6)	(2)	(31)	(50)	(6)	(21)	(-)	(87)	(4)	(1)	(25)	(10)	(243)
2015/2016 (Incl. PCs and redefined land use categories based on LEP definitions)													
Single dwellings	27	20	26	19	21	26	19	14	16	17			215
Multi unit housing	6	8	8	4	1	3	3	3	3	5			44
(No of units)	(50)	(98)	(12)	(7)	(2)	(5)	(18)	(4)	(5)	(14)			(215)



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Print Date: 4/05/2016

Print Time: 4:09:43PM

**Approved Development & Complying Development Applications
for DCC and Private Certifiers-Period 1/04/2016 - 30/04/2016**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	20	5,828,047	17	5,584,797	3	243,250	17	
Dwelling - Secondary/Dual Occ Dwelling	3	1,114,210	3	1,114,210			6	
Dwelling - Dual Occupancy, one storey	1	374,000	1	374,000			2	
Medium Density Res - one/two storeys	1	1,100,000	1	1,100,000			6	
Garage/Carport/Roofed Outbuildings	21	242,133	20	237,633	1	4,500	1	
Swimming Pool	6	173,767	6	173,767				
Office Building	1	1,300,000	1	1,300,000				
Retail Building	1	150,000			1	150,000		
Office & Retail Building	1	320,000			1	320,000		
Factory/Production Building	1	274,890	1	274,890				
Change of Use - Industrial	1	350,000			1	350,000		
Subdivision - Residential	1	0						2
Totals for Development Types	58	11,227,047						

Total Number of Applications for this period: 54

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



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**Approved Development & Complying Development Applications
for DCC and Private Certifiers-Period 1/04/2015 - 30/04/2015**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	22	5,772,367	19	5,352,367	3	420,000	19	
Dwelling - Secondary/Dual Occ Dwelling	1	40,000	1	40,000			1	
Garage/Carport/Roofed Outbuildings	15	319,168	12	263,668	3	55,500		
Swimming Pool	3	76,480	3	76,480				
Nursing Home/Dementia Care	1	10,000,000	1	10,000,000				
Retail Building	1	890,000			1	890,000		
Factory/Production Building	1	400,000	1	400,000				
Warehouse/storage	1	400,040	1	400,040				
Health Care Facility - Hospital	1	1,000,000			1	1,000,000		
Entertainment/Recreational Building	1	380,000			1	380,000		
Signs/Advertising Structure	4	47,000	4	47,000				
Demolition	1	0	1					
Home Business	1	0	1					
Change of Use - Commercial	2	23,000	2	23,000				
Subdivision - Residential	1	3,360,000						84
Subdivision - Commercial	1	0	1					3
Subdivision - Rural	1	0						2
Miscellaneous	1	1,000	1	1,000				
Totals for Development Types	59	22,709,055						

Total Number of Applications for this period: 57

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

**Approved Development & Complying Development Applications
for DCC and Private Certifiers-Period 1/04/2015 - 30/04/2015**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
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----- End of Report -----



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**Approved Development & Complying Development Applications
for DCC and Private Certifiers-Period 1/07/2015 - 30/04/2016**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	241	65,287,745	205	62,934,611	36	2,353,134	205	
Dwelling- Transportable/Relocatable	1	210,000	1	210,000			1	
Dwelling - Secondary/Dual Occ Dwelling	17	4,093,128	17	4,093,128			25	
Dwelling - Dual Occupancy, one storey	24	9,831,185	24	9,831,185			46	
Medium Density Res - one/two storeys	3	3,000,000	3	3,000,000			22	
Medium Density Res - Seniors Living SEPI	2	20,000,000	2	20,000,000			125	2
Garage/Carport/Roofed Outbuildings	180	3,245,128	172	3,068,418	8	176,710	5	
Fences/Unroofed Structures	3	37,000	2	27,000	1	10,000		
Swimming Pool	58	1,462,252	58	1,462,252				
Office Building	4	1,355,000	3	1,355,000	1			
Retail Building	18	5,545,000	1	1,500,000	17	4,045,000		
Hotels	2	610,000			2	610,000		
Motels	2	820,000	1	820,000	1			
Office & Retail Building	4	823,000			4	823,000		
Factory/Production Building	11	4,421,390	7	3,131,390	4	1,290,000		
Warehouse/storage	8	7,345,000	7	7,335,000	1	10,000		
Infrastructure - Transport, Utilities	1	40,000	1	40,000				
Health Care Facility - Other	2	1,148,000	1	608,000	1	540,000		
Educational Building	3	1,603,911	3	1,603,911				
Place of Worship	1	600,000			1	600,000		
Entertainment/Recreational Building	2	250,000	2	250,000				
Community/Public Building	1	600,000			1	600,000		
Signs/Advertising Structure	11	212,650	11	212,650				

**Approved Development & Complying Development Applications
for DCC and Private Certifiers-Period 1/07/2015 - 30/04/2016**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Demolition	7	120,000	7	120,000			1	
Child Care - Centre Based	3	2,570,000	2	2,550,000	1	20,000		
Change of Use - Commercial	12	805,000	4	5,000	8	800,000		
Change of Use - Industrial	1	350,000			1	350,000		
Agricultural Development	1	800,000	1	800,000				
Parks/Reserves	1	550,000	1	550,000				
Subdivision - Residential	29	7,076,000	6	2,536,000				93
Subdivision - Commercial	2	735,000			1			21
Subdivision - Industrial	3	5,000	2	5,000				2
Subdivision - Rural	5	0			1			8
Subdivision - Other	1	0						
Miscellaneous	14	6,069,986	13	4,869,986	1	1,200,000		
Totals for Development Types	678	151,621,375						

Total Number of Applications for this period: 640

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



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**Approved Development & Complying Development Applications
for DCC and Private Certifiers-Period 1/07/2014 - 30/04/2015**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	219	54,668,417	182	52,360,792	37	2,307,625	182	
Dwelling- Transportable/Relocatable	2	382,000	2	382,000			2	
Dwelling - Secondary/Dual Occ Dwelling	18	4,584,663	18	4,584,663			30	
Dwelling - Dual Occupancy, one storey	18	6,907,058	18	6,907,058			34	
Medium Density Res - one/two storeys	3	11,390,000	3	11,390,000			65	
Medium Density Res - Seniors Living SEPE	1	15,300,000	1	15,300,000			82	
Garage/Carport/Roofed Outbuildings	173	2,667,169	152	2,195,964	21	471,205		
Fences/Unroofed Structures	2	15,975	2	15,975				
Swimming Pool	70	1,538,115	70	1,538,115				
Nursing Home/Dementia Care	1	10,000,000	1	10,000,000				
Office Building	3	280,000	1	90,000	2	190,000		
Retail Building	25	3,778,496	5	1,141,000	20	2,637,496		
Motels	1	679,500	1	679,500			1	
Office & Retail Building	3	530,000	1	300,000	2	230,000		
Retail & Residential Building	1	250,000			1	250,000		
Factory/Production Building	8	2,525,632	6	2,396,932	2	128,700		
Warehouse/storage	12	3,370,940	5	2,203,940	7	1,167,000		
Infrastructure - Transport, Utilities	4	550,000	3	550,000	1			
Health Care Facility - Hospital	1	1,000,000			1	1,000,000		
Health Care Facility - Other	3	961,545	2	490,000	1	471,545		
Educational Building	1	1,000,000	1	1,000,000				
Place of Worship	1	400,000			1	400,000		
Entertainment/Recreational Building	5	4,890,000	2	2,900,000	3	1,990,000		

**Approved Development & Complying Development Applications
for DCC and Private Certifiers-Period 1/07/2014 - 30/04/2015**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Signs/Advertising Structure	11	159,200	11	159,200				
Demolition	4	65,000	4	65,000				
Home Business	1	0	1					
Child Care - Centre Based	3	2,400,000	3	2,400,000				
Change of Use - Commercial	11	648,875	7	463,875	4	185,000		
Change of Use - Industrial	2	25,000	2	25,000				
Subdivision - Residential	41	20,058,000	5	15,680,000				229
Subdivision - Commercial	3	0	2					3
Subdivision - Industrial	4	5,000						6
Subdivision - Rural	6	40,000	1					23
Subdivision - Other	2	0						4
Miscellaneous	7	1,286,000	6	1,136,000	1	150,000		
Totals for Development Types	670	152,356,585						

Total Number of Applications for this period: 634

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----

WESTERN
PLAINS
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Incorporating the former
Dubbo City & Wellington councils

REPORT: Nominations for the Western Joint Regional Planning Panel (JRPP)

AUTHOR: Director Environmental Services

REPORT DATE: 18 May 2016

TRIM REFERENCE: ID16/820

EXECUTIVE SUMMARY

Given the merger of Dubbo and Wellington councils to form the Western Plains Regional Council it is necessary for Council to determine its representatives to the JRPP.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That Council's two nominations to represent Council on the NSW Western Joint Regional Planning Panel during its period of Administration ending September 2017 be Mr Lindsay Dunston and Mr Lindsay Mathieson.

Melissa Watkins

Director Environmental Services

BACKGROUND

Given the merger of Dubbo and Wellington councils to form the Western Plains Regional Council it is necessary for Council to determine its representatives to the JRPP.

REPORT

The functions of the JRPP are:

- To act as the consent authority for 'regional development' applications; and
- To advise the Minister for Planning and Infrastructure on planning matters in respect of the JRPP's region or perform functions conferred on it by the Minister.

A Fact Sheet which explains the operations and role of the JRPP is provided attached for information in **Appendix 1**.

The JRPP makes decisions on regionally significant development which includes:

- Development with a Capital Investment Value (CIV) of over \$20 million;
- Development with a CIV of over \$5 million which is:
 - Council-related;
 - Lodged by or on behalf of the Crown (State of NSW);
 - Private infrastructure and community facilities; or
 - Eco-tourist facilities;
- Extractive industries, waste facilities and marinas that are 'designated development';
- Certain coastal subdivisions;
- Development with a CIV between \$10 million and \$20 million which are referred to the Regional Panel by the applicant after 120 days;
- Modifications to regional developments under Section 96(2) of the Environmental Planning and Assessment Act, 1979; and
- Crown development application (with a CIV under \$5 million) referred to the Regional Panel by the applicant or local council after 70 days from lodgement as determined, including where recommended conditions are in dispute.

A copy of the Code of Conduct for the JRPP is also included here as **Appendix 2**.

In accordance with Schedule 4 of the Environmental Planning and Assessment Act, 1979, at least one of the nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

This report recommends that Council's nominees for the Western JRPP up until the September 2017 Council Elections be Mr Lindsay Dunston, Manager Statutory Planning, Mid Western Regional Council and Mr Lindsay Mathieson, Director Environmental Services, Gilgandra Shire Council.

Appendices:

- 1** JRPP - Functions and Roles
- 2** JRPP - Code of Conduct



THE FUNCTIONS AND ROLES OF THE REGIONAL PANELS

What is a regional panel and what do they do?

The Joint Regional Planning Panels (regional panels) are responsible for making merit based decisions on regionally significant development. In operation since July 2009, they are independent decision making bodies not subject to the direction of the Minister for Planning and Infrastructure (the Minister).

There are six regional panels across NSW, each consisting of five members.

The main role of the regional panels is to determine regionally significant development as specified in Schedule 4A of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The regional panels may also undertake additional functions including:

- deciding upon Crown development applications (DAs) with a capital investment value (CIV) under \$5 million where council has failed to determine the DA within the required period or where council seeks to refuse consent or impose a condition where the applicant has not agreed,
- acting as the relevant planning authority for the purpose of preparing a local environmental plan when appointed to do so by the Minister, and
- providing advice on planning or development matters when requested to do so by the Minister or the Director-General.

Who are the members of the regional panels?

Regional panels consist of five members, comprising one chair appointed by the Minister with the concurrence of Local Government NSW, two other members appointed by the Minister and two council-appointed members.

Council members sit on the regional panel when a regionally significant DA is being decided within their local government area. The council members of the regional panel are nominated by each local council, and may come from within or outside of council, or outside the local area.

All state-appointed members, and one of the two council members, are required to have expertise in one of the technical areas as specified in Schedule 4A of the EP&A Act: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism. State-appointed members can also have expertise in government and public administration.

Each regional panel also includes alternates to act in place of the permanent members if they are unavailable for any reason.

All regional panel members are expected to follow the regional panels operational procedures and to adhere to the regional panels code of conduct. Both of these documents can be found at www.jrpp.nsw.gov.au



What type of development applications do the regional panels determine?

The regional panels are responsible for making decisions on regionally significant development which includes:

- development with a CIV over \$20 million,
- development with a CIV over \$5 million which is
 - council related
 - lodged by or on behalf of the Crown (State of NSW) or
 - for private infrastructure and community facilities or
 - eco-tourist facilities,
- extractive industries, waste facilities and marinas that are designated development,
- certain coastal subdivisions,
- development with a CIV between \$10 million and \$20 million which is referred to the regional panel by the applicant after 120 days from lodgment as undetermined, and
- crown development applications (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgment as undetermined, or where recommended conditions are in dispute, or local council recommends refusal.

In addition, regional panels are also responsible for determining applications to modify a consent for regionally significant development under section 96(2) of the EP&A Act.

The *State Environmental Planning Policy (State and Regional Development) 2011* sets out the functions of regional panels in determining applications for regional development.

CIV is defined in the *Environmental Planning and Assessment Regulation (EP&A Regulation)*. For more information on CIV, refer to Planning Circular PS 10-008 <http://www.planning.nsw.gov.au/planning-system-circulars>.

How do the regional panels work?

The regional panels are supported operationally by the Regional Panels Secretariat (secretariat). The secretariat assists the chair of each regional panel with the organisation of meetings and preparation of agendas and other administrative functions. The secretariat arranges site visits and briefings (where appropriate) and provides administrative support to panel members.

The secretariat also monitors the progress of DAs and other work referred to the regional panels for determination or advice.

Who pays for regional panels?

The NSW Government covers the costs of state-appointed members and the secretariat. Individual councils cover the cost of the council members and costs associated with assessing the DA.

What is the role of council staff?

DAs are lodged with the council in the local government area where the proposed development is located. The planning staff of the local council undertake the assessment of DAs which are to be determined by the regional panels.

Council staff follow established procedures for the assessment process including public notification and consultation with government agencies. This includes the statutory requirements for the assessment of the DA as set out in the EP&A Act. The assessment is documented in an assessment report which is provided to the regional panel for their consideration prior to determining the application.

Council staff may be requested to assist regional panels by providing meeting venues, attending site visits and briefings, providing copies of documents and minute taking. The regional panel may also seek further professional advice from a council on certain



matters relating to the DA, including legal advice on any matter.

The council officer assessing the application is required to attend the regional panel meeting to respond to any questions or provide information to the regional panel.

Following the regional panel meeting, councils are responsible for all post-determination functions including issuing any notice of determination, notifying relevant parties of the decision, and managing any appeals which may be made in relation to the DA.

How are local communities involved with regional panel decisions?

The views of the community are considered throughout the assessment and decision-making process.

The local council arranges for the DA to be publicly exhibited in accordance with statutory requirements. The community is encouraged to comment on the proposal by lodging a written submission with council. The council's planning staff will undertake an assessment of the DA which must include the consideration of any submissions on the proposal.

Regional panel meetings to determine a DA are generally conducted in public, and the applicant and any person who has made a submission can make a presentation to the regional panel to express their views on the DA. Comments made at the public meeting are considered by the regional panel members when making a decision on the DA. Anyone who wishes to address the regional panel must register with the secretariat before the meeting. For more information on making a presentation to the regional panel, please contact the secretariat on jrppenquiry@jrpp.nsw.gov.au or 02 9228 2060.

When are regional panel meetings arranged?

A regular schedule of proposed meeting dates is determined at the beginning of each year in consultation with the chair of each regional panel.

Every effort is made to hold regional panel meetings in the council area where the application is lodged, or in a location that is convenient for those that wish to attend the meeting.

The secretariat consults with council and the regional panel chair to organise a suitable location for regional panel meetings. The date, time and location for regional panel meetings are listed on the regional panels' website. Extra meeting days can be scheduled as required.

How are conflicts of interest avoided?

All regional panel members are required to act in accordance with Schedule 4 of the EP&A Act and the Department of Premier and Cabinet's guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees'. Taken together, they ensure that the financial interest disclosure requirements for regional panel members are the same as those for local government councillors and staff.

Regional panel members are required to avoid or appropriately manage any conflicts of interest. If a panel member has an interest in a matter being considered, or about to be considered at a regional panel meeting, the member must disclose the nature of the interest. Regional panel members must then not participate in discussions or deliberate on the matter.

A register of declarations made by regional panel members is maintained by the secretariat. Upon request, the register will be made available for inspection at the secretariat during normal office hours.

Is the performance of regional panels monitored?

The overall performance of regional panels is reported in the annual Local Development Performance Monitoring Report. The reports can be found at <http://www.planning.nsw.gov.au/performance-monitoring>



The secretariat monitors the progress of DAs referred to the regional panels to ensure panel meetings are scheduled as soon as practicable, and DAs can be determined within acceptable time frames.

How are complaints about regional panels handled?

All complaints made to the panel secretariat will be treated with respect, courtesy and sensitivity, and be responded to promptly, in accordance with the regional panels complaints handling policy. Complaints can be made regarding:

- the actions of (or failure to act by) the regional chair, regional panel members and secretarial staff,
- the policies and procedures applying to regional panel members, and
- circumstances where a member of the public suspects that a regional panel member has breached the regional panels' code of conduct and/or operational procedures.

Once a complaint is received in writing, the complainant will receive an acknowledgement and be informed of the next steps in the process.

The regional panels are not able to address complaints which concern the determination made by a regional panel, government policy and legislative powers or decisions of government.

The complaints handling policy is available from <http://www.jrpp.nsw.gov.au>.

Under the complaints policy the secretariat is required to report on the complaints received. These reports are available on the website.

Further Information

For all regional panel queries contact the secretariat on (02) 9228 2060 or <mailto:jrppenquiry@jrpp.nsw.gov.au>, or look at <http://www.jrpp.nsw.gov.au/>.

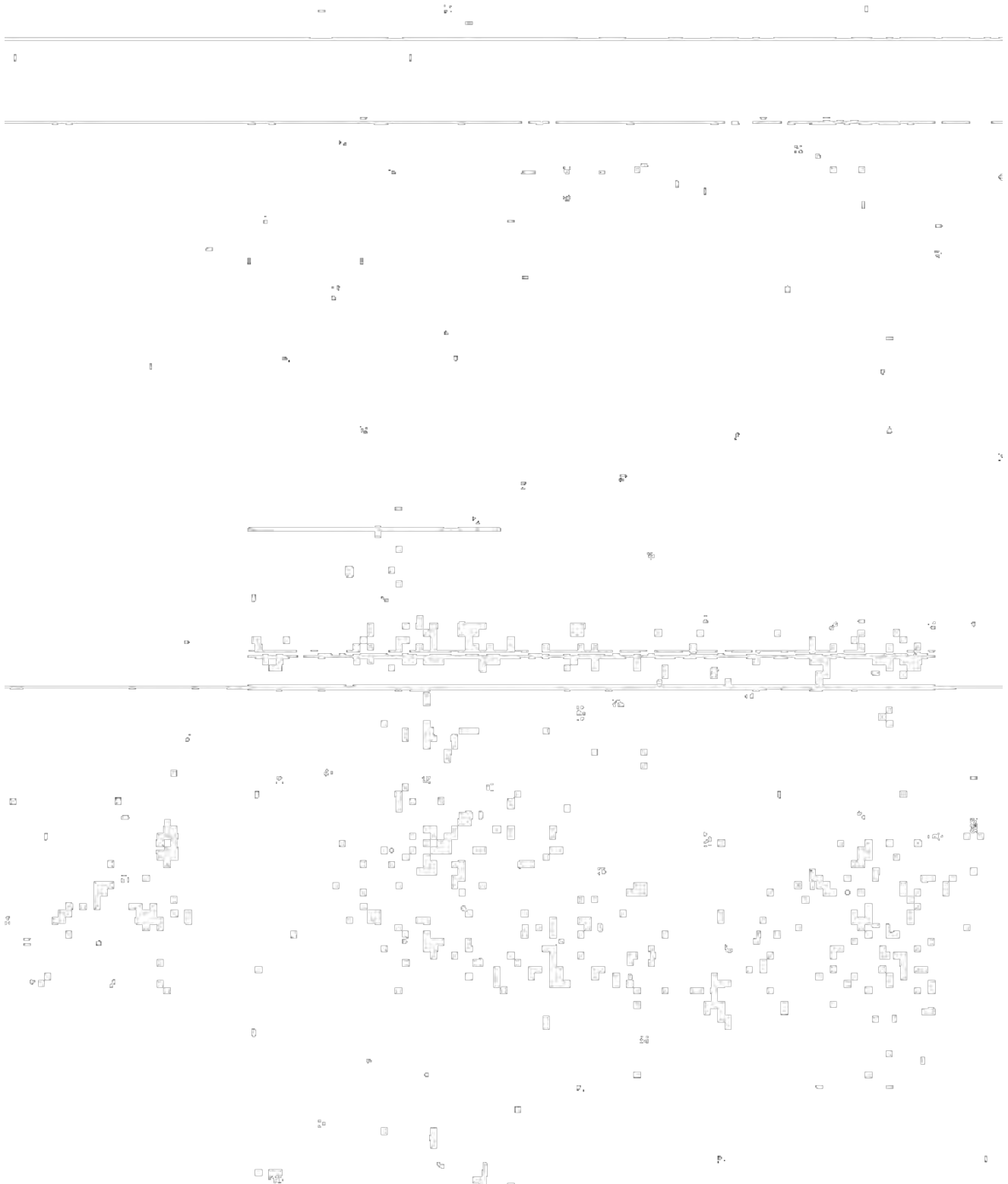


Joint Regional Planning Panels

Code of Conduct

September 2012





Joint regional planning panels code of conduct
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JOINT REGIONAL PLANNING PANELS

Code of Conduct

Introduction

This Code of Conduct (Code) applies to all members of Joint Regional Planning Panels (regional panels), including:

- state appointed members,
- council nominees, and
- alternates acting for regional panel members.

The Code outlines the standards of conduct expected of regional panel members. It is the personal responsibility of each regional panel member to comply with this Code. The Code will be kept under review and will be subject to changes that may be required to reflect the experience of the implementation and operation of the regional panels.

Purpose of the Code

This Code sets out the minimum requirements of behaviour for regional panel members in carrying out their functions. The Code has been developed to assist regional panel members:

- a) understand the standards of conduct that are expected of you,
- b) enable you to act honestly, ethically and responsibly,
- c) enable you to exercise a reasonable degree of care and diligence, and
- d) act in a way that enhances public confidence in the integrity of the role of regional panels in the planning system.

Application of the Model Code of Conduct for Local Councils in NSW (Model Code)

Councils are required under the *Local Government Act 1993* to adopt a code of conduct. Such codes must incorporate the provisions of the 'Model Code' prescribed under the *Local Government (General) Regulation 2005*.

Council's adopted code applies to, amongst others, councillors, the general manager and council staff. The Model Code does not apply to regional panel members. However parts of the Model Code have been used to assist in the development of this Code, along with other relevant codes of conduct applying to members of state boards and other statutory bodies.

It is recognised that councillors and council staff may undertake functions as a member of a regional panel separate to their ordinary functions as a councillor or member of council staff. When exercising functions as a regional panel member, councillors and council staff must ensure that they comply with this Code.

Council staff responsible for dealing with development matters under the *Environmental Planning and Assessment Act 1979* (EP&A Act), preparing assessment reports and/or otherwise assisting a regional panel in the exercise of its functions are not subject to this Code. The Model Code requires that council staff act lawfully, ethically and fairly. In relation to development decisions, council staff must ensure decisions are properly made and parties involved in the development process are dealt with fairly. People must not use their position to influence other council officials in the performance of their duties or to obtain a private benefit for themselves or for somebody else.

Other obligations

Regional panel members are subject to the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*.

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Code of Conduct

1. Key principles

Integrity

- 1.1 You must not place yourself under any financial or other obligation to any individual or organisation that might be reasonably thought to influence you in the exercise of your functions as a regional panel member.

Leadership

- 1.2 You have a duty to promote and support the key principles of this Code by demonstrating leadership and maintaining and strengthening the public's trust and confidence in regional panels and their role in the planning system.

Selflessness

- 1.3 You have a duty to make decisions in the public interest. You must not make a decision or take action that causes or results in you obtaining:
- a financial benefit (including avoiding a financial loss), or
 - other benefits for yourself, your family, friends or business interests.

Impartiality

- 1.4 You should make decisions on merit and in accordance with your statutory obligations when carrying out your functions as a regional panel member.

Accountability

- 1.5 You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others.

Openness

- 1.6 You have a duty to be open as possible about your decisions and actions.

Honesty

- 1.7 You have a duty to act honestly and in good faith for the proper purpose.

Respect

- 1.8 You must treat others with respect at all times.

2. General conduct obligations

General conduct

- 2.1 You must not conduct yourself in carrying out your functions as a regional panel member in a manner that is likely to bring the regional panel into disrepute. Specifically, you must not act in a way that:
- a) contravenes the EP&A Act¹,
 - b) is improper or unethical,
 - c) is an abuse of power,
 - d) causes, comprises or involves intimidation, harassment or verbal abuse, or
 - e) causes, comprises or involves discrimination, disadvantage or adverse treatment.
- 2.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions as a regional panel member, having regard to the statutory obligations under the EP&A Act.

¹ A reference to the *Environmental Planning and Assessment Act 1979* (EP&A Act) includes a reference to the *Environmental Planning and Assessment Regulation 2000*.

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Fairness and equity

- 2.3 You must consider issues consistently, promptly, conscientiously and fairly.
- 2.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Making decisions and taking actions

- 2.5 You must ensure that decisions and actions are reasonable, fair and for the proper purpose and that parties involved in the development process are dealt with fairly.
- 2.6 You must ensure that no action, statement or communication between yourself and others (such as applicants, objectors and councillors) conveys any suggestion of willingness to provide improper concessions or preferential treatment.
- 2.7 You should attend all meetings of the regional panel as far as is possible, and allow the necessary time to prepare for meetings.

3. Conflicts of interests

General

- 3.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your functions as a regional panel member.
- 3.2 You must avoid or appropriately manage any conflicts of interests. The onus is on you to identify a conflict of interests and take appropriate action.
- 3.3 Any conflicts of interests must be managed to uphold the probity of regional panel decision making. When considering whether or not you have a conflict of interests you should consider how others would view your situation.
- 3.4 Private interests can be of two types: pecuniary or non-pecuniary.

Disclosure of pecuniary interests

- 3.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person².
- 3.6 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision that person might make³.
- 3.7 A member has a pecuniary interest in a matter if the pecuniary interest is the interest of the member, the member's spouse or de facto partner or a relative⁴ of

² The term 'pecuniary interests' adopted by this Code is based on the definition of that term in s.442(1) of the *Local Government Act 1993*.

³ See s.442(2) *Local Government Act 1993* or if it is an interest referred to in s.448(a), (b), (e) or (g) of the *Local Government Act 1993*.

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the member, or a partner or employer of the member, or a company or other body of which the member, or a nominee, partner or employer of the member, is a member.

- 3.8 The obligation on regional panel members with respect to pecuniary interests are set out in clause 12 of Schedule 4 of the EP&A Act (attached at **Appendix A**). All regional panel members must comply with the requirements set out in this provision. In particular:
- (a) If a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of a regional panel and the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's attention, disclose the nature of the interest at or before a meeting of the regional panel.
 - (b) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the regional panel otherwise determines:
 - be present during any deliberation of the panel with respect to the matter, or
 - take part in any decision of the panel with respect to the matter.

- 3.9 As a member of a government board or committee, all regional panel members are also required to adhere to the Department of Premier and Cabinet's Guidelines '~~Conduct Guidelines for Members of NSW Government Boards and Committees~~' ("the DPC Guidelines").

In accordance with the DPC Guidelines, regional panel members are required to disclose interests which include positions and pecuniary interests in corporations, partnerships or other businesses that may be relevant to the activities of the regional panel.

These declarations will be required to be made by panel members on an annual basis. Taken together, schedule 4 of the EP&A Act and the requirements of the DPC Guidelines ensure that the pecuniary interest disclosure requirements for regional panel members are the same as those for local government councillors.

Disclosure of non-pecuniary interests

- 3.10 A non-pecuniary interest is a private or personal interest that a person has that may, for example, be based on a family or personal relationship, membership of an association, society or trade union or involvement or interest in an activity which may include an interest of a financial nature⁴.
- 3.11 You should consider possible non-pecuniary interests that may arise while carrying out your duties as a regional panel member. Where possible, the source of potential conflict should be removed.
- 3.12 However, where this is not possible, if a member has a non-pecuniary interest in a matter and the interest appears to raise a conflict with the proper performance of

⁴ The term 'relative' adopted by this Code is the definition of that term under s 3 of the *Local Government Act 1993*.

⁵ The term 'non-pecuniary interest' as adopted by this Code is based on the meaning of that term under the *Local Government Model Code of Conduct*.

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the member's duties, the member must follow the procedures set out in clause 12 of schedule 4 of the EP&A Act in the same manner as if the interest was a pecuniary interest.

Register of declarations of interest

3.13 Where any pecuniary or non-pecuniary interest in a matter before the regional panel has been disclosed by a member, whether declared before or at the commencement of the panel meeting, this will be noted in the minutes of the relevant panel meeting, even when the member is not in attendance.

The minutes of all panel meetings will be made available on the regional panel website.

3.14 A register of the annual declarations made by regional panel members under clause 3.9 of this Code and in accordance with the DPC Guidelines, will be maintained by the Regional Panels Secretariat (secretariat).

Upon request, the register of declarations, including all other declarations made by panel members will be available for inspection at the secretariat during normal office hours.

Political Donations

3.15 Regional panel members should be aware that political contributions or donations may give rise to a pecuniary or non-pecuniary interest. It is the responsibility of regional panel members to determine in each instance whether such an interest arises and whether the provisions of this Code and clause 12 of schedule 4 of the EP&A Act applies.

3.16 Where a regional panel member makes a disclosure under clause 12(1)(b) of schedule 4 to the EP&A Act with respect to an interest which arises because of a political donation, the regional panel is required to take this into consideration in determining under clause 12(6) whether it is appropriate for the member to be present during any deliberations or take part in any decision with respect to the matter.

Other business or employment

3.17 You must ensure that any outside employment or business you engage in will not:

- a) conflict with your functions as a regional panel member,
- b) involve using confidential information or resources obtained through your role as a regional panel member, or
- c) discredit or disadvantage the regional panel.

3.18 Members of a particular regional panel will have a close working relationship with each other. Therefore, to avoid a perception of bias, a regional panel member must not represent an applicant or submitter at a regional panel meeting for a regional panel of which you are a permanent member or have been used regularly as an alternate member.

Personal dealings with council

3.19 You may have reason to have private dealings with a council that is within the regional panel region where you are a regional panel member (for example as a

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ratepayer). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your role as a regional panel member. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

4. Personal benefit

Gifts and benefits

4.1 You must not:

- a) seek or accept a bribe or other improper inducement,
- b) seek gifts or benefits of any kind,
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty,
- d) accept any gift or benefit of more than token value, or
- e) accept an offer of money, regardless of the amount.

4.2 Generally speaking token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of matters before the regional panel,
 - ii. conferences, or
 - iii. social functions organised by groups.
- b) invitations to and attendance at local social, cultural and sporting events,
- c) gifts of single bottles of reasonably priced alcohol at end of year functions and public occasions, and
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

4.3 Gifts and tokens that have more than a token value include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

4.4 As a general rule, any gift from an applicant, objector or associate of an applicant or objector in relation to a matter to be determined by a regional panel would fall into a category referred to in paragraph 4.1(c) and therefore should not be accepted.

4.5 The panel secretariat is to maintain a register of gifts for each regional panel to ensure the receipt and disposal of gifts is conducted in an open and transparent manner. When offered a gift or benefit regional panel members must inform the panel secretariat of the following information for the purposes of making a recording on the register of gifts:

- the person who made the offer and the date on which the offer was made,
- whether or not you accepted the gift/benefit,
- whether the gift or benefit was allocated to another person or body, and
- the value of the gift or benefit.

You should also advise the regional panel chair of any such notification to the panel secretariat.

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5. Relationship between regional panel members, council and council staff

Obligations of regional panel members

5.1 Section 23N of the EP&A Act provides that a regional panel is entitled:

- a) to have access to, and to make copies of and take extracts from records of a council relevant to the exercise of the regional panels' functions, and
- b) to the use of staff and facilities of a relevant council in order to exercise the regional panels' functions.

All such requests for assistance will be made by the regional panel chair to the general manager (or such other staff member nominated by the general manager).

5.2 You have a responsibility to promote and support an effective and co-operative working relationship with the council, General Manager and council staff and contractors.

Inappropriate interactions

5.3 You must not engage in inappropriate interactions when exercising your functions as a regional panel member.

5.4 In relation to council staff⁶ you must not:

- a) approach, make requests of, make enquiries or issue instructions to council staff other than through the panel secretariat and in accordance with this Code,
- b) be overbearing or threatening to council staff,
- c) make personal attacks on council staff in a public forum,
- d) direct or pressure council staff in the performance of their work or recommendations they make, or
- e) influence or attempt to influence staff in the preparation of assessment reports or other information to be submitted to the regional panel.

5.5 If a panel member is approached by any person about a development application that is to be determined by the regional panel, the panel member must not discuss the development.

5.6 Section 4.2 and 4.9 of the regional panels' Operational Procedures recognises that there may be some circumstances where it is appropriate for the regional panel to meet with applicants in private. Where this occurs, a record of the meeting, including attendees and matters discussed, will be made and be publicly available.

However, individual members of the regional panel must not hold private meetings, briefings, site visits or discussions in respect of the matter.

Where meetings, briefings or site visits occur you should not express any views that would indicate pre-judgement of the matter.

⁶ A reference in this clause to council 'staff' includes a reference to council contractors or consultants.

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Council staff - avoiding the potential for a conflict of duties

- 5.7 In selecting its members to a regional panel, council should have regard to the conflict of duties that may be created for a person nominated to the regional panel if they were in any way responsible for or involved in the assessment and recommendation of a matter to be determined by the regional panel.

Should a council nominate staff to be members of a regional panel, the following provisions of the Code must be taken into consideration to ensure any potential conflicts of duties between being a council staff member and fulfilling the obligations of a panel member are avoided.

- 5.8 Council employees (including general managers and other senior staff) who are nominated to sit as a member of the regional panel should carefully consider what measures must be put in place to ensure they will be able to comply with the requirements of this Code.⁷
- 5.9 A conflict of duties may arise for council employees (including general managers and other senior staff) who are nominated to sit as a member of the regional panel. A conflict of duties is a conflict between competing and incompatible public duties. For example, a conflict of duties arises where public officials hold more than one official position which requires them to address competing objectives or interests. Conflicts of duties should be avoided in most circumstances. Therefore council employees who are nominated to sit on a regional panel must ensure that appropriate measures are in place to ensure potential conflicts are appropriately managed.
- 5.10 Council employees who are nominated to sit as regional panel members must also seek to avoid situations in which their interests as a council employee might reasonably be perceived by members of the community to conflict with the impartial fulfilment of their functions as a regional panel member either because:
- a) they have been directly or indirectly involved in the preparation of the assessment report for the regional panel, or
 - b) they adopt a view, without providing independent reasoning, that is perceived to be consistent with the view of the elected council in its submission to the regional panel.

6. Relationship between regional panel members and others

- 6.1 You must adhere to the Key Principles and General Conduct Obligations contained in this Code when dealing with others, including council staff, councillors, Department of Planning and Infrastructure staff and the secretariat.

7. Protecting and using information

- 7.1 Information must be handled in accordance with section 148 of the EP&A Act.
- 7.2 In addition to the obligations under section 148 of the EP&A Act you must:
- a) protect confidential information,
 - b) only release confidential information if you have authority to do so,
 - c) only use confidential information for the purpose it is intended to be used,

⁷ In particular Part 5 of the Code.

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- d) not use confidential information gained through your position as a regional panel member for the purpose of securing a private benefit for yourself or for any other person,
- e) not use confidential information with the intention to cause harm or detriment to the regional panel or any other person or body, and
- f) not disclose any information discussed during a confidential session of a regional panel.

7.3 When dealing with personal information you must comply with the *Privacy and Personal Information Protection Act 1998*.

8. Use of public resources

8.1 You may be provided with equipment and other resources to perform regional panel functions. All such resources are to be used only for regional panel purposes and in accordance with any guidelines or rules about the use of those resources.

9. Public Comment/Media

9.1 The regional panel chair is responsible for speaking to the media on behalf of the regional panel, to allow its decisions to be properly represented and communicated. The chair can authorise another regional panel member to speak to the media on behalf of the regional panel at any time. Other non-authorised members can speak to the media about regional panel matters however, in doing so, they do not represent the views of the regional panel.

10. Reporting breaches

10.1 Regional panel members are required to report suspected breaches of the Code to the regional panel chair. If the suspected breach is by the regional panel chair, you should report the suspected breach to the member of the Planning Assessment Commission (PAC) nominated for this purpose. If the regional panel chair suspects a breach of the Code s/he should report the suspected breach to the nominated PAC member.

10.2 The regional panel chair or nominated PAC member, as the case may be, may take such steps as s/he thinks appropriate to investigate and take action in respect of the alleged breach.

10.3 A person who is alleged to have breached the Code must be given:

- a) the full particulars of the alleged breach^a,
- b) an opportunity to respond to the allegations, and
- c) the right to have a legal or other representative present during any meetings/discussions in respect of the matter.

10.4 Serious breaches of the Code may be referred to the Minister in respect of state members or the relevant council with respect to council nominees. Proven breaches of the Code may warrant removal from office (see item 12 below)

11. Reporting possible corrupt conduct

11.1 The *Protected Disclosures Act 1994* provides protection to public officials who voluntarily report suspected corrupt conduct. Regional panel members can make

^a These particulars should not include the details of the person who made the allegation.

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reports concerning suspected corrupt conduct⁹ to the regional panel chair.¹⁰ The regional panel chair is under a duty to report to the Independent Commission Against Corruption any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct¹¹.

11.2 Regional panel members can also report directly to the following investigative bodies:

- Corrupt conduct should be made to the Independent Commission Against Corruption¹²,
- Maladministration¹³ should be made to the NSW Ombudsman, and
- Serious and substantial waste of public money should be made to the NSW Auditor General.

12. Removal from office

12.1 The Minister may remove state members from office at any time and without notice.

12.2 The relevant council may remove its nominee/s from office at any time and without notice. If so, the council must notify the panel secretariat.

12.3 The Minister may remove any member if the Independent Commission Against Corruption recommends that consideration be given to the removal of the member because of corrupt conduct by the Member.

13. Complaint handling

13.1 Complaints against regional panel members are handled in accordance with the regional panels' Complaints Handling Policy.

⁹ Corrupt conduct has the meaning given to that term under the *Independent Commission Against Corruption Act 1988* ('ICAC Act').

¹⁰ or nominated PAC member if the suspected conduct is by the regional panel chair or the chair is reporting suspected corrupt conduct.

¹¹ Section 11, ICAC Act.

¹² Section 10 of the ICAC Act allows any person to make a complaint to the Independent Commission Against Corruption about a matter that concerns or may concern corrupt conduct.

¹³ Maladministration is defined in s 11(2) of the *Protected Disclosures Act 1994*

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Appendix A

Extract from Schedule 4 of the *Environmental Planning and Assessment Act 1979*

12 Disclosure of pecuniary interests

(1) If:

- (a) a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of the regional panel, and
 - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
- the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the regional panel.

(2) A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- (a) the member, or
- (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
- (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.

(3) However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):

- (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the member is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
- (c) just because the member is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.

(4) A disclosure by a member at a meeting of the regional panel that the member, or a spouse, de facto partner, relative, partner or employer of the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(5) Particulars of any disclosure made under this clause must be recorded by the regional panel in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the regional panel.

(6) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the regional panel otherwise determines:

- (a) be present during any deliberation of the panel with respect to the matter, or
- (b) take part in any decision of the panel with respect to the matter.

September 2012

- (7) For the purposes of the making of a determination by the regional panel under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the panel for the purpose of making the determination, or
 - (b) take part in the making by the panel of the determination.
- (8) A contravention of this clause does not invalidate any decision of the regional panel.

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Incorporating the former
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REPORT: Licence Agreement for the Dubbo Rugby Clubhouse

AUTHOR: Manager Sporting Facilities

REPORT DATE: 16 May 2016

TRIM REFERENCE: ID16/788

EXECUTIVE SUMMARY

The Dubbo Rugby Union Club wish to enter into a new five (5) year licence agreement with Council for the Dubbo Rugby Union Clubhouse with an option to extend the licence agreement by a further five (5) years. Dubbo Rugby Union Club has held a licence agreement with Council since the building was completed in 1999.

FINANCIAL IMPLICATIONS

The fee for the licence agreement is \$5,753 for the first year. Subsequent years shall see the licence agreement increase by CPI per annum for the next four (4) years. The \$5,753 is based on the building asset maintenance programme over the next ten (10) years. This is consistent with how fees are established for similar building facilities on Parks and Landcare Services Division assets. It should be noted that the fee shall be reviewed at the end of the first five (5) year period.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council enter into a licence agreement with the Dubbo Rugby Union Club for the use of the Dubbo Rugby Union Clubhouse at Victoria Park No. 1.**
- 2. That the licence agreement be for a period of five (5) years with an option to extend the licence by further five (5) years.**
- 3. That any necessary documentation be executed under the Common Seal of the Council.**

Wes Giddings

Manager Sporting Facilities

BACKGROUND

The Dubbo Rugby Club invested and paid for the construction of the Dubbo Rugby Clubhouse. The clubhouse construction was completed in 1999.

The Dubbo Rugby Club has held a licence agreement with Council for the Dubbo Rugby Clubhouse since the completion of the clubhouse.

REPORT

Licence fees for the building on community land are based on the costs defined in the 20 year asset maintenance programme for a particular facility. The fee for the licence agreement between Council and the Dubbo Rugby Union Club for the Dubbo Rugby Clubhouse shall be \$5,753 for the first year with an increase by CPI per annum for the subsequent four years.

As with other buildings on community land, such as the Nita McGrath Netball Clubhouse at Nita McGrath Netball Courts, the Rugby Clubhouse shall be available for hire by the wider community for a fee.

SUMMARY

Western Plains Regional Council and the Dubbo Rugby Union Club need to formalise the use and occupation of the Dubbo Rugby Union Clubhouse. It is proposed that Council enter into a five (5) year licence agreement with option to extend the agreement for a further five (5) years.

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Incorporating the former
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REPORT: Licence Agreement for the Nita McGrath Netball Clubhouse

AUTHOR: Manager Sporting Facilities

REPORT DATE: 17 May 2016

TRIM REFERENCE: ID16/789

EXECUTIVE SUMMARY

The Dubbo Netball Association wish to enter into a new five (5) year licence agreement with Council for the Nita McGrath Clubhouse with option to extend the licence agreement by a further five (5) years. The Netball Association has held a licence agreement with Council since the building was completed in 2002.

FINANCIAL IMPLICATIONS

The fee for the licence agreement is \$2,696.20 for the first year. Subsequent years shall see the licence agreement increase by CPI per annum for the next four (4) years. The \$2,696.20 is based on the building asset maintenance programme over the next ten (10) years. This is consistent with how fees are established for similar building facilities on Parks and Landcare Services Division assets It should be noted that the fee shall be reviewed at the end of the first five (5) year period.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council enter into a licence agreement with the Dubbo Netball Association Club for the use of the Nita McGrath Clubhouse at Nita McGrath Netball Courts.**
- 2. That the licence agreement be for a period of five (5) years with an option to extend the licence by further five (5) years.**
- 3. That any necessary documentation be executed under the Common Seal of the Council.**

Wes Giddings

Manager Sporting Facilities

BACKGROUND

The Dubbo Netball Association invested and paid for the construction of the Nita McGrath Clubhouse. The clubhouse construction was completed in 2002.

The Dubbo Netball Association has held a licence agreement with Council for the Nita McGrath Clubhouse since the completion of the clubhouse.

REPORT

Licence fees for the building on community land are based on the costs defined in the 20 year asset maintenance programme for a particular facility. The fee for the licence agreement between Council and the Dubbo Netball Association for the Nita McGrath Clubhouse shall be \$2,696.20 for the first year with an increase by CPI per annum for the subsequent four years.

As with other buildings on community land, such as the Dubbo Rugby Clubhouse at Victoria Park No. 1, the Nita McGrath Clubhouse shall be available for hire by the wider community for a fee.

SUMMARY

Western Plains Regional Council and the Dubbo Netball Association propose to formalise the use and occupation of the Nita McGrath Clubhouse. It is proposed that Council enter into a five (5) year licence agreement with option to extend the agreement for a further five (5) years.

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REPORT: Statue of Civil Rights Pioneer Bill Ferguson

AUTHOR: Director Community Services

REPORT DATE: 16 May 2016

TRIM REFERENCE: ID16/776

EXECUTIVE SUMMARY

Council has received a request for its approval to a life size bronze statue of Civil Rights Pioneer Bill Ferguson to be located in the CBD at the Church Street Rotunda Precinct. There are no technical concerns for the location of a statue in this Precinct. Approval may be sought by the project proponents to have the statue listed on the Dubbo Public Art Register.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

Council has a Dubbo City Public Art Strategy. If Council does approve of the statue of Bill Ferguson being located at the Church Street Rotunda Precinct then the proponents of this project may apply to have the statue listed on the Dubbo Public Art Register.

RECOMMENDATION

- 1. That Council concur with the proposal to locate a statue of Mr Bill Ferguson at the Church Street Rotunda Precinct.**
- 2. That the Administrator and Interim General Manager be authorised to approve the actual location of the statue in the precinct and other necessary matters as relating to Council in respect of this project.**

David Dwyer
Director Community Services

REPORT

Council has received a request to locate a life size bronze statue of Bill Ferguson at the Church Street Rotunda Precinct. Bill Ferguson was an Aboriginal civil rights pioneer who on 27 June 1937 called a public meeting in Dubbo, in the vicinity of where the Church Street Rotunda now stands, to launch the Aborigines Progressive Association.

The following is extracted from the request received by Council from the project proponents:

“In Sydney, on Australia Day 1938 along with the outstanding leader William Cooper of Victoria, he declared a Day of Mourning and led the first public demonstration calling for the native people to be recognized as citizens of Australia. According to the Dictionary of Sydney, ‘it was the first national civil rights gathering and represents the most clearly identifiable beginning of the contemporary Aboriginal political movement.’ Their goal was to give hope to their people and create unity in the country. These two men are recognized as pioneers of civil rights in Australia. They preceded the famous Martin Luther King by twenty years.

The proponents of the project believe the time is right to tell this story to the nation. As yet Bill Ferguson remains unacknowledged in any public space. Next year will be the 80th anniversary of him launching the Progressive Association in Dubbo and it will also be the 50th anniversary of the landmark referendum that gave recognition to the Aboriginal people on 27 May 1967. Bill Ferguson was an outstanding national leader and to have this statue placed in the city centre to mark these anniversaries would be a big step forward for Dubbo.

Ferguson descendants are understandably proud to back the initiative. Grandson Willy Ferguson of Lightning Ridge presented a letter to the meeting on behalf of the family, addressed to the Mayor by William’s daughter Isabelle. She recalled her father both as a union rep and a man of faith who worked tirelessly for equality of conditions and equal opportunity for all. ‘The 1967 referendum was perhaps the culmination of all his years of struggle with others to bring about change’, she said. Dubbo Wiradjuri elder Ray Peckham who was part of the movement agreed.

Local identity ‘Riverbank’ Frank Doolan believes telling the story of a man with a Scots father who chose to identify with the struggles of his Aboriginal mother’s people is an important part of the town’s ethos worth building on for the future. He sees it fitting with the call from civic leaders for economic development, visitor attraction and meaningful public events.

A number of organizations have already expressed interest in the initiative including Dubbo Council, service clubs, schools, churches and CSU. The ABC and NITV are keen to carry the story nationwide. It promises to introduce a highly inspirational element in Dubbo’s public persona providing a challenge to future generations. It would have a multiplier effect in terms of social capital.

Bill Ferguson stood as an Independent for Dubbo in the 1950 elections. Inspired by the UN Declaration of Human Rights, he called for civil rights for all people. His last speech, delivered from the back of a truck in Church St. was a ringing call for justice:

'To all you people of Aboriginal blood, I say...I am fighting for your freedom. Aboriginals still live under laws meant only to control criminals and lunatics: they are not allowed ordinary human rights...I can promise you nothing but the will to work.'

Bill Ferguson collapsed as he left the platform, and died of hypertensive heart disease in Dubbo Base Hospital on January 4th 1950. He is buried in Dubbo cemetery."

The statue is estimated to cost \$60,000 and the project proponents are currently fund raising to meet this target. No request has been made of Council to provide funding towards the project. It is proposed that the statue be installed and unveiled during 2017. Council's Director Technical Services has advised that there is no technical impediment to the statue being installed in the Church Street Rotunda Precinct.

In terms of the statue being considered and listed on the Dubbo Public Art Register, should it be so desired, an application will need to be made to the Dubbo Public Art Committee addressing the three (3) components to be present for a work to be considered public art, namely:

1. Technical: the skill of the producer is evident in the work
2. Aesthetic: the visual impact of the work
3. Conceptual: the underlying meaning or message of the work

Council could work with the project proponents during the course of the production of the statue to ensure its successful listing as a public art work on the Dubbo Public Art Register.

It is proposed that Council concur with the request for the statue to be installed in the Church Street rotunda precinct and that the Administrator and Interim General Manager be authorised to approve the actual location of the statue in the precinct and other such necessary matters as relating to Council in respect of this project.

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REPORT: Reclassification of Lot 27 DP 837818 Silkwood Close

AUTHOR: Manager Commercial Facilities
REPORT DATE: 16 May 2016
TRIM REFERENCE: ID16/573

EXECUTIVE SUMMARY

Lot 27 DP 837818, Silkwood Close, Dubbo is a 4,089 m² parcel of Council owned land situated at the end of Silkwood Close and adjoining Macquarie Anglican Grammar School (MAGS). Lot 27 is accessed via a four (4) metre wide walkway. Lot 27 was dedicated to Council with the subdivision of Meadowbank Drive as a condition of development consent D1992-320.

The subject land is zoned R2 Low Density Residential under the provisions of the Environmental Planning and Assessment Act, 1979. The land is also classified as Community Land under the provisions of the Local Government Act, 1993. The Community Land classification means that Council cannot undertake any dealing in respect of the land without undertaking the land reclassification process under the provisions of the Local Government Act, 1993.

This report recommends that Council commence the land reclassification process for the proposed reclassification of Lot 27 DP 837818, Silkwood Close, Dubbo from Community Land to Operational Land under the provisions of the Local Government Act, 1993.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the reclassification of Lot 27 DP 837818 from 'community' to 'operational' land in accordance with the Local Government Act 1993.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council commence the land reclassification in respect of changing the classification of Lot 27 DP 837818, Silkwood Close, Dubbo from Community Land to Operational Land under the Local Government Act, 1993.**
- 2. That the proposed reclassification be pursued on the basis that the subject land is considered unsuitable as public open space due to its location, limited access arrangements and the provision of stormwater infrastructure.**
- 3. That Council place the proposed land reclassification on public exhibition for a period of no less than 28 days and undertake consultation with adjoining and adjacent property owners.**
- 4. That following completion of the public exhibition period, Council hold a Public Hearing in accordance with Section 29 of the Local Government Act, 1993.**
- 5. That a subsequent report be presented to Council following conclusion of the public exhibition period and the Public Hearing process.**

Simon Tratt

Manager Commercial Facilities

BACKGROUND

Development consent D1992-320 granted approval for the subdivision of Meadowbank Drive into 58 residential lots, plus a reserve on 18 March 1993. Condition 21 of the consent required Lot 27 DP 837818 to be dedicated to Council in accordance with Council's Section 94 Open Space Contributions Plan that was in force at the time in lieu of payment of a monetary contribution.



Figure 1. Lot 27 (highlighted)

Lot 27 is zoned R2 Low Density Residential under the provisions of the Environmental Planning and Assessment Act, 1979. The land is also classified as Community Land under the provisions of the Local Government Act, 1993. The Community Land classification means that Council cannot undertake any dealing in respect of the land without undertaking the land reclassification process under the provisions of the Local Government Act, 1993.

Ordinarily the land reclassification process can only be undertaken as a component of a Planning Proposal pursuant to the Environmental Planning and Assessment Act, 1979. However, the Local Government Act allows for certain reclassification processes to be undertaken in situations where a parcel of land was provided to Council pursuant to a Section 94 Contributions Plan.

It should also be noted that Council sought legal advice in respect of the characteristics and process for the proposed reclassification. Booth Brown Legal provided written advice that Council can commence the process of seeking reclassification of the land under Section 32 of the Local Government Act, 1993 and that this process can be undertaken outside of the Planning Proposal process. However, it was also noted that the proposed reclassification must also be undertaken in accordance with any other applicable provisions of the Local Government Act.

REPORT

1. Land Reclassification Process

Section 32 of the Local Government Act 1993 states the following:

- (1) *A council may resolve that land dedicated in accordance with a condition imposed under section 94 of the Environmental Planning and Assessment Act 1979 is to be reclassified as operational land.*
- (2) *A council may make such a resolution only if it is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services because of any one or more of the following:*
 - *the size of the land*
 - *the shape of the land*
 - *the topography of the land*
 - *the location of the land*
 - *the difficulty of providing public access to the land.*
- (3) *The council must specify in the resolution the grounds on which it is satisfied the land is unsuitable.*
- (4) *Before making the resolution, the council must give public notice of the resolution. The public notice must specify a period of not less than 28 days during which submissions may be made to the council.*
- (5) *The net proceeds of sale by a council of any land dedicated in accordance with a condition imposed under section 94 of the Environmental Planning and Assessment Act 1979 must be dealt with under that section as if those net proceeds were a monetary contribution paid instead of the dedication.*

In accordance with the requirements of Part (2) as provided above, Council's Director Parks and Landcare Services has undertaken a review of the suitability of the land to be utilised for public purposes. This review has concluded that Lot 27 DP 837818 is unsuitable to be utilised for public purposes on account of the following:

- The land is located in an isolated position at the end of a cul-de-sac;
- Legal access to the land is via a four metre wide walkway from Silkwood Close only;
- There is no suitable vehicle parking for any users of the land if a Park was to be created;
- A six (6) metre wide open stormwater channel as shown in red on Figure 2 is required to be constructed through the land to cater for stormwater from adjoining land which would make access to the Park through the walkway difficult during periods of water flow.



Figure 2. Indicative position of open storm water channel required

The land reclassification process also requires Council to undertake a Public Hearing pursuant to the requirements of Clause 29 of the Local Government Act and for Council to provide public notice of the proposed reclassification in accordance with Clause 34 of the Local Government Act. Public notice in respect of the proposed reclassification of Lot 27 DP 83718 requires Council to place the proposal on public exhibition for a period of 28 days and to provide written notice to adjoining and adjacent property owners.

Any Public Hearing in respect of the proposed land reclassification is required to be chaired by an independent person.

2. Future Land Management

Any future disposal of the land will be subject to the land reclassification processes under the Local Government Act, 1993.

Council's Director Parks and Landcare has confirmed there are no plans to develop Lot 27 into a local park, and the land is excess to their needs.

Macquarie Anglican Grammar School have advised council staff of their interest in the possible acquisition of Lot 27 (excluding the walkway portion) if it was to become available for purchase at some future stage.

Council's Manager Civil Infrastructure and Solid Waste has raised no objection to the closure of the four (4) metre wide walkway which forms part of Lot 27. This portion of land, having an approximate area of 124 m² could be offered for sale to the two adjoining owners after reclassification of the land.

3. Future Direction

If Council resolves to adopt the recommendations as included in the report, Council will commence the land reclassification process in accordance with the requirements of the Local Government Act, 1993. This will include Council placing the proposed reclassification on public exhibition for a period of 28 days and undertaking consultation with adjoining and adjacent property owners. Following completion of the public exhibition process, Council will arrange and hold a Public Hearing. The Hearing is required to be chaired by an independent person.

Following the conclusion of the public exhibition process and the associated Public Hearing, a further report will be provided to Council including and submissions and details of representations received during these processes.

SUMMARY

Lot 27 DP 837818 is a parcel of Council owned land that is poorly located and is surplus to Council's needs. The land is zoned R2 Low Density Residential and should be correctly classified as 'Operational Land' in accordance with the Local Government Act 1993, rather than its current classification of 'Community Land' to reflect its current usage.

The reclassification of Lot 27 to 'Operational Land' would enable Council to then consider possible disposal of this property to adjoining land owners that would result in a more functional utilisation of this residue land parcel.

REPORT: Licence Agreement for Weather Satellite Dishes - Dubbo City Regional Airport

AUTHOR: Airport Operations Manager
REPORT DATE: 16 May 2016
TRIM REFERENCE: ID16/648

EXECUTIVE SUMMARY

Dubbo City Regional Airport has been approached by Meteologix Australia Pty Ltd to place two satellite dishes and ancillary plant cabinetry on site. The Airport Operations Manager and Manager Commercial Facilities have identified a small site which is compatible with this type of development, and does not have a detrimental effect of future development in the Airport Master Plan 2036

FINANCIAL IMPLICATIONS

The fee for the licence agreement is \$1,000 plus GST per annum, plus an increase annually on the anniversary of the licence based on Consumer Price Index (Sydney All Groups).

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council enter into a licence agreement with Meteologix Australia Pty Ltd for a period of 3 years, with an option to renew for a further 3 years upon expiry of the first term of the licence.**
- 2. That the fee being \$1,000 plus GST per annum, due upon the approval of the development application, plus an increase annually on the anniversary of the licence based on Consumer Price Index (Sydney All Groups).**
- 3. That the Licensee be responsible for up to \$1,500 to cover Council's legal fees in preparing and entering into such agreement.**
- 4. That the Licensee is responsible for all outgoings (electricity and internet fees) as well as all site establishment costs.**
- 5. That any necessary documents be executed under the Common Seal of the Council.**

Lindsay Mason
Airport Operations Manager

REPORT

Council has received a development application from Geolyse Pty Ltd who acts on behalf of Meteorogix Australia Pty Ltd to install two satellite dishes and ancillary plant cabinetry at the Dubbo City Regional Airport. The proposed site is 10 metres by 10 metres and will consist of two satellite dishes, similar to the current satellite ground station operated by AirServices Australia near the southern end of the public car park. The development will provide commercial weather services and data via web, but is not used in forecasting activities.

A copy of the site is indicated in red below in figure 1.



Figure 1.

The site chosen is in an area which will not interfere with any communications on the airport, and is compatible with development in the area.

An example of the dishes is shown below in figure 2.



Your Trusted Source for Satellite Equipment



- Precision Compression Molded 8 Panel Reflector
- Fixed Az/EI, Polar or Motorized Dual-axis Navigator Mount Options
- Low Transportation Costs
- Galvanized Mounts
- Individual Panels Interchangeable and Field Replaceable

ELECTRICAL SPECIFICATIONS		
	C-Band	Ku-Band
Antenna Size	3.0 Meter	3.0 Meter
Operating Frequency (GHz)	3.625 to 4.2 GHz	10.95 to 12.75 GHz
Midband Gain (± .2dB)	40.0 dBi	49 dBi
3dB Beamwidth	1.7°	0.6°
Antenna Noise Temperature (20° Elevation)	30 K	29 K
Antenna Noise Temperature (30° Elevation)	28 K	26 K
Feed Interface	CPR229F	WR75
First Sidelobe (typical)	-20 dB	
Cross-Pol Isolation (Linear)	>30 dB (on axis)	
VSWR	1.43:1 Max.	
Insertion Loss	.2 dB Max.	

MECHANICAL SPECIFICATIONS	
Reflector Material	Eight Segment Glass Fiber Reinforced Polyester SMC
Antenna Optics	Prime Focus, Axisymmetric
Mast Pipe Size	6" SCH 80 Pipe (6.62" OD)
F/D Ratio / Feed Support	.30 / Quad Feed Support
Elevation Adjustment Range	10° to 70° Continuous Fine Adjustment (90° optional)
Azimuth Adjustment Range	360° Continuous / Polar mount covers any 90° segment of arc
Declination Corrected Polar Range	90° arc coverage with 36" actuator
ENVIRONMENTAL SPECIFICATIONS	
Wind Load	
Survival	125 mph (201 km/h)
Operational	45 mph (72 km/h)
Temperature	
Survival	-50° to 160° F (-46° to 71° C)
Operational	-40° to 140° F (-40° to 60° C)

Figure 2.

REPORT: Approval for Royal Flying Doctor Service to Lease Land for Construction of Facilities at Dubbo City Regional Airport

AUTHOR: Airport Operations Manager
REPORT DATE: 16 May 2016
TRIM REFERENCE: ID16/759

EXECUTIVE SUMMARY

Council has received a letter from the Royal Flying Doctor Service (RFDS), seeking permission to construct future facilities on the Dubbo City Regional Airport. The facilities would include the recently announced Aeromedical Training Facility funded by the RFDS, NSW Government and Elbit Systems, and in the future the proposed Patient Transfer Facility for which funds have been applied for by Dubbo City Council, under the federal government's National Stronger Regions Fund (NSRF).

The letter (attached as **Appendix 1**), includes a plan of the land that would be required to construct these facilities, which is in line with the adopted Airport Master Plan 2036.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council agree in principal to the area of land to be allocated to these projects.**
- 2. That Council make provision to subdivide this parcel of land for future long term lease purposes to the Royal Flying Doctor Service.**
- 3. That the Royal Flying Doctor Service be responsible for fees associated with the cost of subdivision, including lodgement, Councils legal fees and survey costs.**
- 4. That Council undertake a valuation of land for the new lot by registered valuer.**
- 5. That a further report be prepared once a lease is ready to be prepared between Council and the Royal Flying Doctor Service.**

Lindsay Mason
Airport Operations Manager

REPORT

As Council may be aware the Royal Flying Doctor Service have recently announced an investment of \$18M in a facility to be constructed on the Dubbo City Regional Airport. This announcement includes a full flight simulator for the Beechcraft King Air 200b aircraft, aeromedical training facilities, a visitor's centre, 60 seat theatre, provision for displays of memorabilia, offices for the new facility, café and an observation deck which will give patrons and staff the ability to look over the airport. This development will potentially employ 35 staff on the Dubbo City Regional Airport and will be a unique tourism product for Dubbo. This development has been funded as such:

NSW Government	\$ 2.6 M	Contribution to Construction of building
RFDS	\$ 1.5 M	Contribution to Construction of building
Dubbo Friends of RFDS	\$ 1.1 M	Contribution to Construction of building
Elbit Systems	<u>\$12.8 M</u>	(Simulator Supply)
Total	<u>\$18.0 M</u>	

Council will be constructing the road and providing utility connections to this project as well as the Rural Fire Service Refilling station and pad. Such works will commence in July 2016. The construction of these services is included in the 2016/2017, 2017/2018 and 2018/2019 budgets.

The RFDS will shortly provide a development application to Council for this project, with a view to commencing construction in October 2016. As well as this development, the RFDS has a future strategy to operate an aeromedical transfer facility to assist the flow of patients to and from the RFDS aircraft and ambulance transfer. Currently all transfers take place in the open, with no protection provided to patients. This means that they are exposed to the elements increasing the chance of contracting an infection. The facility proposed in the future would have four dongas (hangars) which would have no end walls allowing aircraft to transit through or park to unload patients to ambulances. These dongas would also provide under cover parking of these aircraft out of the elements. The RFDS currently has three aircraft based in Dubbo with the likelihood that this will increase to four by the finish of construction. The proposal would also have a building which would include crew accommodation, whilst they are on call at the base. These dongas and the taxiway would have the ability to house up to a code C aircraft in the future, the likes of a Challenger 604 or similar, as below.



The future proposal was part of the former Dubbo City Council's \$6.6M application to the federal government's National Stronger Regions Fund (NSRF) lodged in March 2016. The total construction cost for this facility would be approximately \$1.0M which includes buildings only, and a further \$1M for taxiway and apron facilities. For an application to be successful under NSRF, the Council was required to demonstrate how the development of such facilities would assist in alleviating disadvantage in the community and the region. By partnering with the RFDS, the construction of the RFDS facilities in and around this patient transfer facility was able to be an eligible project for NSRF funding. Should the NSRF application be successful the buildings would be constructed by Council and leased to the RFDS. If the application is unsuccessful then the development of this area will still take place in the future when funding becomes available.

The purpose of this report is to identify and ring fence the site for all of the development shown on the map attached (as **Appendix 2**), so that the RFDS can move forward with its development application, and that Council can identify an area for subdivision to provide for a long term lease to the RFDS. The site chosen measures approx. 38,000 M² and will cover land to the north of Echo Taxiway.

These developments were provided for in the development of the Dubbo City Regional Airport Master Plan 2036.

Appendices:

- 1 Zoning Request RFDS
- 2 Proposed Lease Plan RFDS

Level 9, 110 Sussex Street
 Sydney NSW 2000
 GPO Box 3537
 Sydney NSW 2001

T 02 9941 8888
 F 02 9262 1817
 E enquiries@rfdsse.org.au
 > www.flyingdoctor.org.au



5th May 2016

Mr. Lindsay Mason
 General Manager
 Airport Operations Manager
 Dubbo City Regional Airport

Dear Mr. Mason,

ROYAL FLYING DOCTOR SERVICE SOUTH EASTERN (RFDS SE) REQUEST FOR ADDITIONAL LAND AT DUBBO CITY REGIONAL AIRPORT

The RFDS SE has had a presence in Dubbo delivering medical retrievals since 1999, and on 24 February 2001 founded its Dubbo Base at Dubbo City Regional Airport (DCRA). Thanks to substantial support from Dubbo City Council (DCC) and the local community, the Dubbo Base of Royal Flying Doctor Service has developed into a main operating base, providing a wide range of services including Primary Evacuation, Inter-Hospital Transfer, Dental Outreach and Clinic Services.

In line with the RFDS SE 2015-19 Strategic Plan and Dubbo City Regional Airport Master Plan 2015-2036, a concept to establish a *Multipurpose Aeromedical, Aviation and Tourism Precinct* at DCRA has been developed with an aim to drive regional economy growth and to deliver improved healthcare outcomes to local communities. The proposed development will comprise a Multipurpose Aeromedical, Aviation and Tourism Facility and four Aeromedical Terminals (refer to Attachment), with a vision to convey following activities:

- Visitor Experience promoting RFDS values and aeromedical care;
- Flight Training Centre that offers economic training to aviation industry and general public;
- Aeromedical Simulation and Training reinforcing appropriate diagnostic and procedural practices in critical environment;
- Tele-health Unit improving patient access to healthcare services;
- Western Patient Flow Unit, integration of patient transfer coordination and resources to optimize efficiency; and
- Aeromedical Terminals that will enable sheltered patient transfer and protect patient privacy.

The RFDS SE envisages that a precinct as such will further support innovation in healthcare, training, tourism and regional development, promoting excellence in health care delivery, community engagement, health partner engagement, and innovating health care, training and future service delivery models.

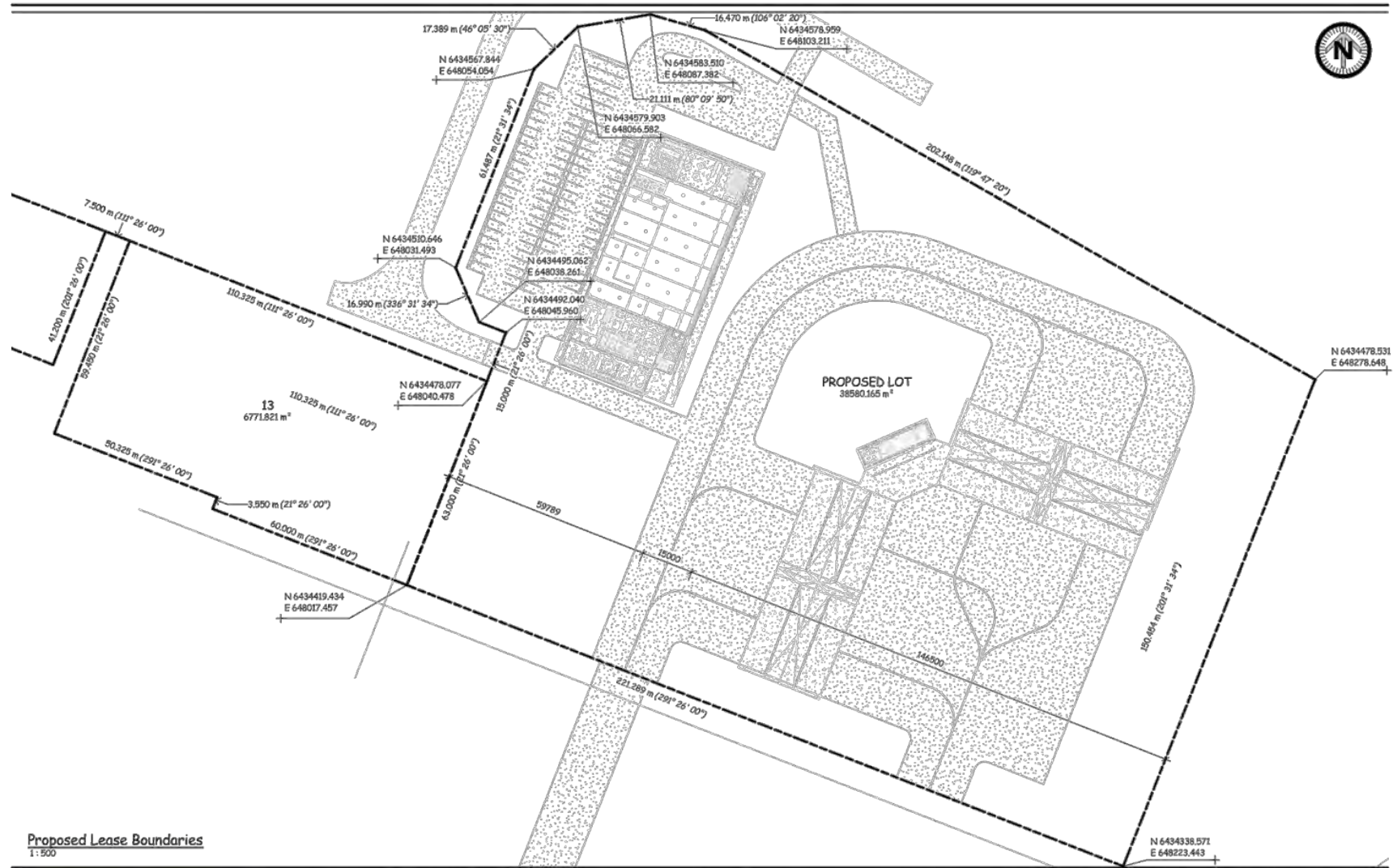
Through consultation with DCC and DCRA, the RFDS would like to request zoning consent from DCRA to confirm reservation of land for the proposed RFDS Dubbo Base development. We look forward to working with DCRA and DCC collaboratively to continuously serve the community and welcome any questions or queries that may arise regarding the proposal.

Sincerely,


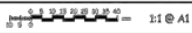
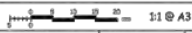
A handwritten signature in black ink, appearing to read 'David Charlton'.

David Charlton
 General Manager, Aviation & Strategic Development
 Royal Flying Doctor Service South Eastern Section

> **JOINT PATRONS: His Excellency General The Honourable David Hurley AC DSC (Retd), Gov of NSW & Mrs Linda Hurley**
 Royal Flying Doctor Service of Australia (South Eastern Section) ABN 86 000 032 422



Proposed Lease Boundaries
1:500

	HEAD OFFICE 1/120 Campbell Street TOOWOOMBA QLD 4350 AU PHONE 1300 900 333 FAX 1300 400 666 EMAIL admin@bettabuilt.com WEB www.bettabuilt.com	This drawing is to be read in conjunction with general building drawings, specifications and other construction drawings applicable to this project. All figured dimensions are to be checked prior to the commencement of work. Immediately notify Bettabuilt Pty Ltd of any discrepancies. This drawing is copyright and is the property of Bettabuilt Pty Ltd and must not be retained, copied or used without their authority.	PROJECT	RFDS SE Development	LOCATION	Dubbo Airport	 1:1 @ A1				
			CLIENT	Royal Flying Doctor Service	DRAWING TITLE	Proposed Lease Boundaries	 1:1 @ A3		PROJECT NO	DWG NO	
			REVISION	DESCRIPTION	DRN	DES	APP	DATE	228-02	LEASE-01	REV
			A	For approval	CGW	CGW	INTG	03-05-16			B
A	For discussion	CGW	CGW	INTG	28-04-16						

WESTERN
PLAINS
REGIONAL
COUNCIL

Incorporating the former
Dubbo City & Wellington councils

REPORT: Keeping it Clean Waste Initiative - Nanima Village

AUTHOR: Interim General Manager

REPORT DATE: 18 May 2016

TRIM REFERENCE: ID16/821

EXECUTIVE SUMMARY

Nanima Village is a small Aboriginal Community based on the outskirts of Wellington. There are approximately 100 residents and the Wellington Local Aboriginal Land Council (LALC), along with other key stakeholders, plays a significant role in supporting the village. There have been relatively high rates of illegal dumping at both Nanima Village and the neighbouring "Common", including household rubbish, old car bodies, car parts and concrete.

The Wellington LALC was awarded funding under the Aboriginal Land Clean Up (ALCUP) Program, administered by the NSW Environmental Protection Authority (EPA). Part of the project is to undertake a clean-up of areas subject to illegal dumping, but also to implement preventative measures such as signage and surveillance.

FINANCIAL IMPLICATIONS

Funding is available in Council's budget to undertake this proposal.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That Council provide in-kind and financial support to the Keeping it Clean Initiative as follows:

- 1. Use of equipment and work crews provided on a fee-for-service cost-neutral basis.**
- 2. Access to landfill and a fee waiver for removed waste.**
- 3. Advice and support through Council's Technical Services staff, Wellington Branch.**

Mark Riley

Interim General Manager

REPORT

Nanima Village is a small Aboriginal Community based on the outskirts of Wellington. There are approximately 100 residents and the Wellington Local Aboriginal Land Council (LALC), along with other key stakeholders, plays a significant role in supporting the village. There have been relatively high rates of illegal dumping at both Nanima Village and the neighbouring "Common", including household rubbish, old car bodies, car parts and concrete.

The Wellington LALC was awarded funding under the Aboriginal Land Clean Up (ALCUP) Program, administered by the NSW Environmental Protection Authority (EPA). Part of the project is to undertake a clean-up of areas subject to illegal dumping, but also to implement preventative measures such as signage and surveillance.

Staff at the former Wellington Council attended a meeting in Dubbo on Wednesday 13 April 2016 with a number of government and community stakeholders to work towards a meaningful outcome for Nanima Village. Following this meeting, a Program Director from Waste Aid Ltd requested the following support between August and November 2016 from the former Wellington Council:

- Use of equipment and work crews provided on a fee-for-service cost-neutral basis;
- Access to landfill and a fee waiver for removed waste; and
- Support of Council's Technical Services staff in the form of advice, enforcement, community education, data, technical and logistical support.

On 28 October 2015, the NSW EPA ran an Aboriginal Cultural Awareness in Waste Education Workshop in Dubbo for local government professionals across the state. Senior staff from Councils, regional waste organisations and the EPA visited Nanima and discussed Illegal Dumping issues with community members. Although there was frank discussion about some of the causes of illegal dumping, significant goodwill came out of the meeting in terms of developing workable strategies to combat this problem.

Staff from the former Wellington Council have subsequently been in discussions with NetWaste and the EPA to discuss further solutions to combat illegal dumping. After considerable investigation, it would appear that the *Keeping It Clean* initiative developed by the Wellington LALC, in conjunction with Waste Aid Ltd offers the most sustainable and workable solution for Nanima Village (see **Appendix 1**). A similar project had been successfully undertaken by Waste Aid Ltd with Bourke Shire Council (see **Appendix 2**).

Appendices:

- 1 Project Monitoring Plan
- 2 Waste Aid Ltd and Bourke Shire Council



17 May, 2016

Mark Conlon
Acting CEO, Waste Aid LTD
82-84 George St
Redfern, NSW, 2016

Interim General Manager
Western Plains Regional Council
PO BOX 62
Wellington 2820

Dear Interim General Manager,

Prior to the amalgamation of Wellington Shire Council into the Western Plains Regional Council a number of discussions were had regarding the Nanima Village clean-up project, and several requests were made by Waste Aid to the former Wellington Council.

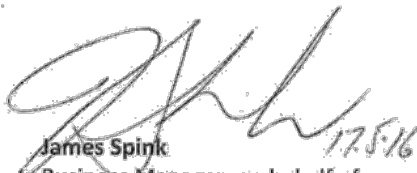
As these requests were agreed upon prior to the council amalgamation Waste Aid would like to reiterate its requests to ensure that the clean-up project in Nanima Village goes ahead as planned.

1. Use of equipment and work crews provided on a fee-for-service cost neutral basis.
2. Access to landfill for disposal of removed waste from Nanima Village at reduced rates - In Bourke arrangements were made with Bourke Shire Council for the tip fees to be waived for the Aboriginal community and in the case of Brewarrina, the Shire Council agreed to significantly reduce their fees and Waste Aid was hoping for a similar agreement for the Nanima project.
3. The support of Council's technical services staff for the duration of the project, providing advice, enforcement, community education and technical and logistical support and data.

We seek your confirmation of acceptance of these requests at your earliest opportunity, and look forward to working with you in our efforts to improve waste management outcomes for the Nanima community.

Should you wish to discuss any facet of this letter, please contact the under signed.

Yours Faithfully,


James Spink
Business Manager, on behalf of
Mark Conlon
Acting CEO, Waste Aid LTD

82-84 George Street Redfern NSW 2016

ABN 25168803969 | Phone: +61 2 8188 2051 | admin@wasteaid.org.au | www.wasteaid.org.au



10 September, 2015

Anne Prince
CEO, Waste Aid LTD
TH4/28 West Street
North Sydney, NSW, 2060

General Manager
Bourke Shire Council
PO Box 21
Bourke 2840

Dear General Manager

I would like to thank Bourke Shire for its continuing support of Waste Aid's work in Bourke, and also congratulate your Environmental Services staff on their very effective support and assistance in the recent Alice Edwards Village and West Bourke clean-up.

I am also writing to inform you that Waste Aid Ltd has donated a 540 kg skip trailer to the Murdi Paaki Regional Enterprise Corporation (MPREC) to be used for on-going community bulk waste disposal, and to request that Bourke Shire waive the tip fees when this trailer is used.

The trailer will be the property of MPREC and they will be responsible for its maintenance and use and, to limit the exposure of Bourke Shire, we also propose that the tip fees only be waived when MPREC make a request by email to the Shire's Manager of Environmental Services and when the skip trailer is attached to an MPREC vehicle and driven by authorised MPREC staff member.

Would you please consider our request to waive normal tipping fees for this vehicle when it is used in Aboriginal community clean-up by MPREC, and could you advise by return letter should you agree with these arrangements.

Thank you.

Anne Prince
CEO, Waste Aid LTD

TH 4, 28 West St, North Sydney NSW 2060 Australia ABN 25168103969
Phone: 8188 2051 Email: ceo@wasteaid.org.au web: www.wasteaid.org.au