

AGENDA ORDINARY COUNCIL MEETING 25 AUGUST 2022

MEMBERSHIP: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

The meeting is scheduled to commence at 5.30 pm.

PRAYER:

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

ACKNOWLEDGEMENT OF COUNTRY:

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

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CCL22/198 LEAVE OF ABSENCE (ID22/1171)

CCL22/199 CONFLICTS OF INTEREST (ID22/1173)

In accordance with their Oath/Affirmation under the Act, and Council's Code of Conduct, Councillors must disclose the nature of any pecuniary or non-pecuniary interest which may arise during the meeting, and manage such interests accordingly.

- CCL22/200 PUBLIC FORUM (ID22/1175)
- CCL22/201 CONFIRMATION OF MINUTES (ID22/1177) Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 July 2022.

INFORMATION ONLY MATTERS:

CCL22/202 MAYORAL APPOINTMENTS AND MEETINGS (ID22/1624) The Council had before it the report dated 5 August 2022 from the Chief Executive Officer regarding Mayoral Appointments and Meetings. 6

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CCL22/203 NAMING OF VICTORIA PARK NO. 1 OVAL IN HONOUR OF THE LATE ANTHONY GEORGE (TONY) KELLY PSM PETITION (ID22/1720) 31 The Council had before it a Petiton regarding the Naming of Victoria Park No. 1 Oval in Honour of the Late Anthony George (Tony) Kelly PSM. MATTERS CONSIDERED BY COMMITTEES: CCL22/204 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 11 AUGUST 2022 48 (ID22/1656) The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 11 August 2022.

CCL22/205 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE -MEETING 11 AUGUST 2022 (ID22/1657) The Council had before it the report of the Culture and Community Committee meeting held 11 August 2022.

CCL22/206 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 11 AUGUST 2022 (ID22/1658) The Council had before it the report of the Corporate Services Committee meeting held 11 August 2022.

NOTICES OF MOTION:

CCL22/207SKILLED EMPLOYEE SHORTAGE (ID22/1722)59Council had before it a Notice of Motion dated 18 August 2022from Councillor S Chowdhury regarding the Skilled EmployeeShortage.

REPORTS FROM STAFF:

CCL22/208 RECOMMENDATIONS OF ICAC'S OPERATION WITNEY THAT ARE RELEVANT TO COUNCIL (ID22/1630) The Council had before it the report dated 9 August 2022 from the Chief Executive Officer regarding Recommendations of ICAC's Operation Witney that are relevant to Council.

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RELEASE OF CONFIDENTIAL REPORT - CW04/012 - ACQUISITION

OF LAND FOR RECREATION PURPOSES (REGAND PARK)

The Council had before it the report dated 9 August 2022 from the Chief Executive Officer regarding Release of Confidential Report - CW04/012 - Acquisition of Land for Recreation Purposes (Regand

The Council had before it the report dated 26 July 2022 from the

2021/2022 DELIVERY PROGRAM AND OPERATIONAL PLAN -

The Council had before it the report dated 12 August 2022 from the Team Leader Growth Planning Projects regarding 2021/2022 Delivery Program and Operational Plan - Progress Report - January

D22-264 - ADVERTISING STRUCTURE - LOT 1 DP 1276035, 235

The Council had before it the report dated 3 August 2022 from the

PROGRESS REPORT - JANUARY TO JUNE 2022 (ID22/1424)

AUDIT COMMITTEE UPDATE (ID22/1477)

COBRA STREET DUBBO (ID22/1425)

Internal Auditor regarding Audit Committee Update.

 Senior Planner regarding D22-264 - Advertising Structure - Lot 1 DP 1276035, 235 Cobra Street Dubbo.
 CCL22/213 DAN ROBINSON MEMORIAL SIGNAGE - RESULTS OF PUBLIC EXHIBITION (ID22/1633) The Council had before it the report dated 9 August 2022 from the Manager Recreation and Open Space regarding Dan Robinson Memorial Signage - Results of Public Exhibition.
 CCL22/214 PROPOSED DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE (ID22/1597) The Council had before it the report dated 1 August 2022 from the Community Development Officer - Seniors and People With a Disability regarding Proposed Disability Access and Inclusion Advisory Committee.

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CCL22/209

CCL22/210

CCL22/211

CCL22/212

(ID22/1631)

to June 2022.

Park).

CCL22/215LEASE OF CAFÉ AND CULTURAL CENTRE TO WELLINGTON LOCAL
ABORIGINAL LAND COUNCIL (ID22/1700)180The Council had before it the report dated 12 August 2022 from the
Community Development Officer - Seniors and People With a
Disability regarding Lease of Café and Cultural Centre to Wellington
Local Aboriginal Land Council.180CCL22/216IMPLEMENTATION OF CHILD SAFE STANDARDS POLICYPOLICY

(ID22/1718) The Council had before it the report dated 18 August 2022 from the Manager Governance and Internal Control regarding Implementation of Child Safe Standards Policy.

CCL22/217D21-569 - 8 TONY MCGRANE PLACE DUBBO - RECREATION
FACILITY (INDOOR) - DEVELOPMENT CONTRIBUTIONS (ID22/1723)228The Council had before it the report dated 18 August 2022 from the
Senior Planner regarding D21-569 - 8 Tony McGrane Place Dubbo -
Recreation Facility (Indoor) - Development Contributions.228

CCL22/218 COMMENTS AND MATTERS OF URGENCY (ID22/1659)

CONFIDENTIAL COUNCIL:

CCL22/219 TNSW ACQUISITION OF LAND FROM COUNCIL FOR THE RIVER STREET BRIDGE PROJECT (ID22/1641) The Council had before it the report dated 10 August 2022 from the Manager Property and Land Development regarding TNSW

In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer 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)).

acquisition of land from Council for the River Street Bridge project.

CCL22/220 REVIEW OF LOT TYPE AND PRICING RELATING TO THE SALE OF LAND IN STAGE 5, RELEASE 2 AT KESWICK ESTATE (ID22/1655) The Council had before it the report dated 11 August 2022 from the Manager Property and Land Development regarding Review of lot type and pricing relating to the sale of land in Stage 5, Release 2 at Keswick Estate.

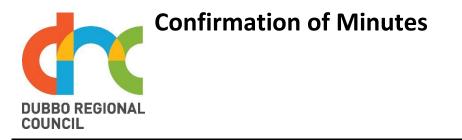
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In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: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

CCL22/221 3D PRINTING OF LIONS PARK WEST AMENITY BLOCK (ID22/1660)

The Council had before it the report dated 12 August 2022 from the Manager Recreation and Open Space regarding 3D Printing of Lions Park West Amenity Block.

In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer 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)).



Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 July 2022.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 23 June 2022 comprising pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

APPENDICES:

1. Minutes - Ordinary Council Meeting - 28/07/2022



PRESENT: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance, the Manager Governance and Internal Control, the Governance Team Leader, the Director Strategy, Partnerships and Engagement, the Manager Corporate Image and Communications, the Director Development and Environment, the Manager Growth Planning, the Sustainability Coordinator, the Director Infrastructure and the Director Community, Culture and Places.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.30 pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor V Etheridge. A Welcome to Country was done by Councillor L Burns.

CCL22/171 LEAVE OF ABSENCE (ID22/1170)

There were no requests for leave of absence.

Councillor D Mahon attended the meeting via audio-visual link.

CCL22/172 CONFLICTS OF INTEREST (ID22/1172)

The following conflicts of interest were declared:

 Clr J Gough declared a significant, pecuniary interest in item CCL22/190. The reason for such interest is that Councillor J Gough advertises in the Event program.

CCL22/173 PUBLIC FORUM (ID22/1174)

The Council reports having heard from the following persons during Public Forum:

- Barbara Sutherland Regand Park.
- Peter Duggan Regand Park surplus land
- Di Clifford Regand Park

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CCL22/174 CONFIRMATION OF MINUTES (ID22/1176)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held 23 June 2022 and Extraordinary Council meeting held 27 June 2022.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 23 June 2022 comprising pages 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of the series, and the Extraordinary Council meeting held on 27 June 2022 comprising pages 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 of the series, be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

INFORMATION ONLY MATTERS:

CCL22/175 MAYORAL APPOINTMENTS AND MEETINGS (ID22/1296)

The Council had before it the report dated 30 June 2022 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor S Chowdhury and seconded by Councillor R Ivey

MOTION

That the information contained in the report be noted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

MATTERS CONSIDERED BY COMMITTEES:

CCL22/177 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 14 JULY 2022 (ID22/1178)

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 14 July 2022.

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Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 14 July 2022 be adopted, save and except item IPEC22/31 which will be dealt with separately.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

IPEC22/31 SOCIAL HOUSING DEVELOPMENT SCHEME - DRAFT PLANNING AGREEMENT (ID22/1294)

The Council had before it the report dated 30 June 2022 from the Manager Growth Planning regarding Social Housing Development Scheme - Draft Planning Agreement.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

- 1. That Council notes the current status and discussions with the Proponent of the Forest Glen Solar Farm development in respect to a Voluntary Planning Agreement.
- 2. That a draft Voluntary Planning Agreement be prepared in accordance with the terms identified in this report.
- 3. If a Voluntary Planning Agreement cannot be successfully negotiated with the Proponent that a further report be provided for the consideration of Council.
- 4. That the draft Voluntary Planning Agreement be placed on public display in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
- 5. That following conclusion of the public exhibition period, a further report be prepared for the consideration of Council, including any submissions received.

Councillors DID NOT vote on this item.

At this Juncture it was moved by Councillor R Ivey and seconded by Councillor V Etheridge to move item IPEC22/31 to confidential council to be dealt with separately.

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

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CCL22/178 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 14 JULY 2022 (ID22/1179)

The Council had before it the report of the Culture and Community Committee meeting held 14 July 2022.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

That the report of the Culture and Community Committee meeting held on 14 July 2022 be adopted, save and except item CCC22/32 which will be dealt with separately.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCC22/32IDENTIFICATION OF SURPLUS LAND - RECREATION AND OPEN SPACEThe Committee had before it the report dated 1 July 2022 from the Manager Recreation and
Open Space regarding Identification of Surplus Land - Recreation and Open Space.

Moved by Councillor J Gough and seconded by Councillor R Ivey

MOTION

- 1. That the disposal of the identified parcels of land be considered by Council
- 2. That funds generated from the sale of the Council owned parcels be used for the asset renewals.
- **3.** That Council approach the NSW State Government with regards to changing Market Square's dedicated use to something that allows housing.

CARRIED

For: Councillors L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Councillor J Black.

CCL22/179 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 14 JULY 2022 (ID22/1180)

The Council had before it the report of the Corporate Services Committee meeting held 14 July 2022.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

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That the report of the Corporate Services Committee meeting held on 14 July 2022 be adopted, save and except CSC22/34 which will be dealt with separately.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CSC22/34 AMENDMENT TO COMMUNITY COMMITTEE TERMS OF REFERENCE

The Council had before it the report dated 29 June 2022 from the Administration Officer -Governance and Internal Control regarding Amendment to Community Committee Terms of Reference.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

- 1. That the Terms of Reference for Community Committees and Working Parties listed below be amended, with the number of community representatives listed under Positions to be determined by the selection panel at the time of assessment:
 - Aquatics Working Party
 - Climate Change and Resilience Committee
 - Cultural and Tourism Facility Committee
 - Multicultural Advisory Committee
 - Public Spaces Tree Committee
 - Social Justice Advisory Committee
 - SPARC Committee
 - Villages Committee
 - Wellington Town Committee.
- 2. That approved members of certain committees be notified of the outcome of their Expression of Interest prior to the July Ordinary Council meeting to allow for appropriate notification to be given of meetings schedule for early August.
- 3. That the Code of Meeting Practice for Community Committee and Working Parties, attached at Appendix 1, be endorsed.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury

AMENDMENT

- 1. That the Terms of Reference for Community Committees and Working Parties listed below be amended, with the number of community representatives listed under Positions to be determined by the selection panel at the time of assessment:
 - Aquatics Working Party

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- Climate Change and Resilience Committee
- Cultural and Tourism Facility Committee
- Multicultural Advisory Committee
- Public Spaces Tree Committee
- Social Justice Advisory Committee
- SPARC Committee
- Villages Committee
- Wellington Town Committee.
- 2. That the Sister City Committee membership be extended to include 10 independent community members.
- 3. That approved members of certain committees be notified of the outcome of their Expression of Interest prior to the July Ordinary Council meeting to allow for appropriate notification to be given of meetings schedule for early August.
- 4. That the Code of Meeting Practice for Community Committee and Working Parties, attached at Appendix 1, be endorsed.

The amendment on being put to the meeting was carried. CARRIED

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

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

NOTICES OF MOTION:

CCL22/180 DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE (ID22/1390)

Council had before it a Notice of Motion dated 15 July 2022 from Councillor P Wells and Councillor S Chowdhury regarding the Disability Access and Inclusion Advisory Committee.

Moved by Councillor P Wells and seconded by Councillor S Chowdhury

MOTION

That the Director Community Culture and Places provide to the August 2022 Council meeting a report on the proposed Disability Access and Inclusion Advisory Committee with Councillor representatives, and a draft Terms of Reference to be determined.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

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REPORTS FROM STAFF:

CCL22/181 FLUORIDATION OF DUBBO URBAN AREAS' WATER SUPPLY (ID22/1404)

The Council had before it the report dated 18 July 2022 from the Chief Executive Officer regarding Fluoridation of Dubbo Urban Areas' Water Supply.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

- 1. That it be noted that existing infrastructure for fluoridation at the John Gilbert Water Treatment Plant in Dubbo has been independently assessed in June 2019 as noncompliant with the Australian Standard for the storage and handling of corrosive substances (AS3780) and the NSW Code of Practice for Fluoridation of Public Water Supplies.
- 2. That it be noted that Council has not been fluoridating drinking water in Dubbo since January 2019.
- 3. That it be noted that as of April 2022 Public Works Advisory has been engaged to scope the body of work required to build infrastructure that meets Council's legislative and regulatory obligations.
- 4. That it be noted that the Mayor and Chief Executive Officer first met with regulatory agencies including Western Local Health District, Health NSW Water Unit and the Department of Planning and Environment Water Group on 11 July 2022 regarding concerns about the performance of Council as a water utility.
- 5. That the Chief Executive Officer complete asset renewals of its fluoridation capability in 2022/2023.
- 6. That the Chief Executive Officer provide an update report on the progress of the fluoridation asset renewals at its Ordinary meeting scheduled for 22 September 2022.
- 7. That it be noted that this matter concerning fluoridation infrastructure is not related to, nor did it contribute to, the issuing of a Boil Water Alert for Dubbo and surrounds in July 2022.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/182 UPDATE ON DUBBO NON-POTABLE PIPELINE PROJECT (ID22/1423)

The Council had before it the report dated 22 July 2022 from the Chief Executive Officer regarding Update on Dubbo Non-Potable Pipeline Project.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

1. That the information contained in the report be noted.

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2. That a future report be provided by the Infrastructure Division that details the project scope and associated business case for alternative utilisation of the treated effluent pipeline infrastructure that still addresses issues of water security and efficiency.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL22/183 QUARTERLY REPORT ON CODE OF CONDUCT COMPLAINT STATISTICS FOR APRIL TO JUNE 2022 AND FINANCIAL YEAR SUMMARY (ID22/1393)

The Council had before it the report dated 15 July 2022 from the Manager Governance and Internal Control regarding Quarterly Report on Code of Conduct Complaint Statistics for April to June 2022 and Financial Year Summary.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

MOTION

That the information contained in the report of the Manager Governance and Internal Control, dated 15 July 2022, be noted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL22/184 SPECIAL TEMPORARY DELEGATION FOR THE CHIEF EXECUTIVE OFFICER (ID22/1388)

The Council had before it the report dated 14 July 2022 from the Governance Team Leader regarding Special Temporary Delegation for the Chief Executive Officer.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

- 1. That the Chief Executive Officer be given special delegation to execute any necessary documentation in relation to the sale of land at Keswick Estate stage 5 release 2 on the provision that the reserve price is met or exceeded by the successful buyer.
- 2. That the Director Organisational Performance be given special delegation to execute any necessary documentation in relation to the sale of land at Keswick Estate stage 5 release 2 as a risk mitigation measure to cover for any unexpected absence or isolation of the CEO.

CARRIED

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For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil

CCL22/185 DRAFT COUNCIL POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS (ID22/1383)

The Council had before it the report dated 13 July 2022 from the Governance Team Leader regarding Draft Council Policy - Payment of Expenses and Provision of Facilities for the Mayor and Councillors.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

- 1. That the draft Council Policy, Payment of Expenses and Provision of Facilities for the Mayor and Councillors, as attached at Appendix 1, be adopted for the purpose of public exhibition.
- 2. That a further report be submitted to Council detailing results of public exhibition, for adoption of the final policy.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil

CCL22/186 ACCEPTANCE OF EASEMENT AT 2A RAWSON STREET, DUBBO AS PART OF DEVELOPMENT BY NSW LAND AND HOUSING CORPORATION (ID22/984)

The Council had before it the report dated 15 June 2022 from the Manager Property and Land Development regarding Acceptance of Easement at 2A Rawson Street, Dubbo as Part of Development by NSW Land and Housing Corporation.

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

- 1. That Council accept the easement for sewage, and the positive covenant, created over Lot 1, Sec 44 on DP 758361.
- 2. That all necessary documents be executed under the Common Seal of Council.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

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CCL22/187 SMART REGION STRATEGY AND SMART COUNCIL STRATEGY (ID22/642)

The Council had before it the report dated 1 July 2022 from the Team Leader Growth Planning Projects regarding Smart Region Strategy and Smart Council Strategy.

Moved by Councillor P Wells and seconded by Councillor S Chowdhury

MOTION

- 1. That the draft Smart Region Strategy (attached in Appendix 1) and draft Smart Council Strategy (attached in Appendix 2) be adopted by Council for the purposes of public exhibition.
- 2. That the draft Smart Region Strategy and draft Smart Council Strategy be placed on public exhibition for a period of not less than 28 days.
- 3. That following completion of public exhibition, a further report be presented to Council for consideration, including the results of the public exhibition.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL22/188 NAMING OF A PRIVATE THOROUGHFARE ASSOCIATED WITH DEVELOPMENT APPLICATION FOR 37 MULTI-DWELLING HOUSING ON LOT 3516 IN DP1265884, 45 ARGYLE AVENUE DUBBO (ID22/1381)

The Council had before it the report dated 13 July 2022 from the LIS and E-Services Coordinator regarding Naming of a Private Thoroughfare Associated with Development Application for 37 Multi-Dwelling Housing on Lot 3516 in DP1265884, 45 Argyle Avenue Dubbo.

Moved by Councillor M Wright and seconded by Councillor J Black

MOTION

- 1. That the proposed private road name Shoreview Lane be approved by Council as per the road layout plan.
- 2. That the proposed name be notified in the local newspaper and Government Authorities in accordance with Section 162 of the Road Act 1993 and Section 7 of the Roads Regulation 2018.
- 3. That the owner be advised accordingly once approval under the Roads Regulation 2018 has been given and the name gazetted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

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CCL22/189 DRAFT SOCIAL MEDIA POLICY (ID22/1384)

The Council had before it the report dated 13 July 2022 from the Manager Corporate Image and Communication regarding Draft Social Media Policy.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

- 1. That the Draft Social Media Policy, as attached at Appendix 1 of the report, be placed on Public Exhibition for a period of 28 days, inviting the public to make submissions.
- 2. That on completion of the Public Exhibition period a further report be provided to Council.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL22/190 2022/2023 EVENT PARTNERSHIP PROGRAM - FEES AND CHARGES (ID22/1360)

The Council had before it the report dated 11 July 2022 from the Events and Partnerships Team Leader regarding 2022/2023 Event Partnership Program - Fees and Charges.

Moved by Councillor J Black and seconded by Councillor M Wright

MOTION

That the annual cost (including GST) for organisations to collaborate in the Event Partnership Program targeting events via destination marketing activities be as follows:

- Listing \$100
- \$300 Level 3
- \$600 Level 2
- Level 1 \$1,100
- \$1,650 Premium

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

Councillor J Gough declared a pecuniary interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Gough advertises in the Events Program.

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CCL22/191 COMMENTS AND MATTERS OF URGENCY (ID22/1181)

There were no matters recorded under this clause.

CONFIDENTIAL COUNCIL

In accordance with Section 9(2A) Local Government Act 1993, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

The items listed come within the following provisions of the Act:

- IPEC22/31 Social Housing Development Scheme Draft Planning Agreement Section 10A(2)(d)(i) – information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- CCL22/192 Contract for Electricity Small Sites
 Section 10A(2)(d)(i) information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- CCL22/193 Lease of Land Airport Hangar Site 20 to Airlink Section 10A(2)(c)) – information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- CCL22/194 Lease to the Crown as Part of Dubbo Airport Precinct for a Regional Police Training Facility
 - Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business .
- CCL22/195 Tender for Supply and Installation of Landscaping Keswick Estate Stage 5 Release 1

Section 10A(2)(c) – information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business .

- CCL22/196 Exploring Options for the NSW Destination Charging Grant Section 10A(2)(c) – information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- CCL22/197 Tender for the Design and Construction of Benolong Road Bridge Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

There were no submissions as to whether the meeting should be closed for a particular item.

At this juncture it was moved by Councillor P Wells and seconded by Councillor V Etheridge that the Council resolves into Closed Session, the time being 6.55 pm.

At this juncture it was moved by Councillor M Wright and seconded by Councillor J Black that the meeting be adjourned for a period of five minutes, the time being 6.56 pm.

Meeting resumed at 7.00 pm.

DUBBO REGIONAL COUNCIL

The Open Session resumed at 7.34 pm.

The Manager Governance and Internal Control and the Governance Team Leader read out the following resolutions made in the closed session of council.

IPEC22/31 SOCIAL HOUSING DEVELOPMENT SCHEME - DRAFT PLANNING AGREEMENT (ID22/1294)

The Council had before it the report dated 30 June 2022 from the Manager Growth Planning regarding Social Housing Development Scheme - Draft Planning Agreement.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

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

CARRIED

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

- 1. That Council notes the current status and discussions with the Proponent of the Forest Glen Solar Farm development in respect to a Voluntary Planning Agreement.
- 2. That a draft Voluntary Planning Agreement be prepared in accordance with the terms identified in this report.
- **3.** If a Voluntary Planning Agreement cannot be successfully negotiated with the Proponent that a further report be provided for the consideration of Council.
- 4. That the draft Voluntary Planning Agreement be placed on public display in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
- 5. That following conclusion of the public exhibition period, a further report be prepared for the consideration of Council, including any submissions received.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL22/192 CONTRACT FOR ELECTRICITY - SMALL SITES (ID22/1304)

The Council had before it the report dated 4 July 2022 from the Manager Procurement regarding Contract for Electricity - Small Sites.

DUBBO REGIONAL COUNCIL

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

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

CARRIED

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

- 1. That the "Retail Electricity Supply Agreement Small Sites" be awarded to "Shell Energy Retail Pty Ltd " in accordance with Local Government Act 1993 Section 55 (3) for the amount of \$ 810,500 (Inc. GST) (indicative cost linked to usage).
- 2. That 100% Green Power option be included in the contract.
- 3. That all documentation in relation to this matter remain confidential to Council.
- 4. That all documentation in relation to this matter be signed under the Common Seal of Council.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL22/193 LEASE OF LAND - AIRPORT HANGAR SITE 20 TO AIRLINK (ID22/1168)

The Council had before it the report dated 15 June 2022 from the Manager Dubbo Regional Airport regarding Lease of Land - Airport Hangar Site 20 to Airlink.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor J Gough and seconded by Councillor R Ivey

MOTION

1. That Council approve the lease of Hangar Site 20, Dubbo Regional Airport to Airlink

DUBBO REGIONAL COUNCIL

Pty Ltd.

- 2. That all legal fees associated with the preparation of the lease be borne by the lessee.
- 3. That all associated documentation be executed under the Common Seal of Council.
- 4. That all documentation in relation to this matter remain confidential to Council.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/194 LEASE TO THE CROWN AS PART OF DUBBO AIRPORT PRECINCT FOR A REGIONAL POLICE TRAINING FACILITY (ID22/1391)

The Council had before it the report dated 14 July 2022 from the Manager Property and Land Development regarding Lease to the Crown as Part of Dubbo Airport Precinct for a Regional Police Training Facility.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor R Ivey and seconded by Councillor P Wells

RECOMMENDATION

- 1. That Council approve the Crown Lease (in right of the State of NSW represented by the NSW Police Force) over Lot 2 on DP1267927, provided that the lease:
 - a. discloses PFAS being found within Lot 2 on DP1267927;
 - b. states that Council will not remediate any PFAS within Lot 2 on DP1267927;
 - c. allows Council (and its consultants and contractors) entry into the Lot 2 on DP1267927 for further PFAS testing (if necessary), subject to reasonable notice being provided; and
 - d. contains substantially the same terms as outlined in Appendix 1 of this report.
- 2. That any necessary documents be executed under the Common Seal of the Council.
- 3. That the documents and considerations in regard to this matter remain confidential to Council.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

DUBBO REGIONAL COUNCIL

CCL22/195 TENDER FOR SUPPLY AND INSTALLATION OF LANDSCAPING - KESWICK ESTATE STAGE 5 RELEASE 1 (ID22/1386)

The Council had before it the report dated 13 July 2022 from the Property Development Officer regarding Tender for Supply and Installation of Landscaping - Keswick Estate Stage 5 Release 1.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor J Black and seconded by P Wells

RECOMMENDATION

- 1. That the tender for the supply and installation of landscaping for Keswick Stage 5 Release 1 be awarded to Mark Wright Premier Landscapes in accordance with s55 of the *Local Government Act 1993* for the amount of \$476,393.00 (including GST).
- 2. That Council delegate the Chief Executive Officer to approve the extension options for this tender if required.
- 3. That Council delegate the Chief Executive Officer to approve variations to a contract relating to the tender subject to budget limitations.
- 4. That all documentation in relation to this matter remain confidential to Council.
- 5. That all documentation in relation to this matter be signed under the Common Seal of Council.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

CCL22/196 EXPLORING OPTIONS FOR THE NSW DESTINATION CHARGING GRANT (ID22/1295)

The Council had before it the report dated 15 July 2022 from the Organisational Sustainability Coordinator regarding Exploring Options for the NSW Destination Charging Grant.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned

DUBBO REGIONAL COUNCIL

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)). CARRIED

Moved by Councillor R Ivey and seconded by Councillor J Gough

RECOMMENDATION

- 1. That Council selects a preferred site/s and nominates to apply to the first round of the NSW Government's Drive electric NSW EV Destination Charging Grant by September 2022.
- 2. Noting that financial contributions required by Council have not been budgeted for, that funds be identified in the September 2022 quarterly review to be allocated to the project.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/196A EXPLORING OPTIONS FOR THE NSW DESTINATION CHARGING GRANT (ID22/1295)

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor R Ivey and seconded by Councillor M Wright

MOTION

That the priority order for preferred sites be:

- a. Wellington Library
- b. Wellington Caves
- c. Whylandra Street Council Carpark
- d. Elizabeth Park Dubbo
- e. Dubbo Visitor Information Centre
- f. Wellington Visitor Information Centre.

CARRIED

DUBBO REGIONAL COUNCIL

CCL22/197 TENDER FOR THE DESIGN AND CONSTRUCTION OF BENOLONG ROAD BRIDGE (ID22/1361)

The Council had before it the report dated 12 July 2022 from the Operations Engineer (West) regarding Tender for the Design and Construction of Benolong Road Bridge.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor S Chowdhury and Councillor J Gough

.....

RECOMMENDATION

- 1. That the contract for the Design and Construction of the Benolong Road Bridge be awarded to Murray Constructions Pty Ltd, in accordance with Clause 178 (3) of the Local Government (General) Regulation 2021 for the amount of \$2,179,417.90 (Including GST).
- 2. That Council delegate the Chief Executive Officer to approve the extension options for this contract if required.
- 3. That Council delegate the Chief Executive Officer to approve contract variations for this contract subject to budget limitations.
- 4. That all documentation in relation to this matter remain confidential to Council.
- 5. That all documentation in relation to this matter be signed under the Common Seal of Council.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright. Against: Nil.

The meeting closed at 7.41 pm.

CHAIRPERSON

DUBBO REGIONAL COUNCIL



REPORT: Mayoral Appointments and Meetings

DIVISION: REPORT DATE: TRIM REFERENCE: Chief Executive Officer 5 August 2022 ID22/1624

EXECUTIVE SUMMARY

| Purpose | Provide review or update | | |
|---------------------|---|--|--|
| Issue | • Details of Mayoral appointments and meetings for the period | | |
| | 17 July 2022 through to 13 August 2022. | | |
| Reasoning | • To ensure transparency of Mayoral appointments and | | |
| | meetings. | | |
| Financial | Budget Area There are no financial implications arising from | | |
| Implications | this report. | | |
| Policy Implications | Policy Title There are no policy implications arising from | | |
| | this report. | | |

STRATEGIC DIRECTION

The 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes five principle themes and a number of strategies and outcomes. This report is aligned to:

| Theme: | 4 Leadership |
|----------------------------|--|
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance |
| Delivery Program Strategy: | 4.1.2 Council's decision-making processes are open, transparent and accountable |

RECOMMENDATION

That the information contained in the report be noted.

Murray Wood Chief Executive Officer *MW* Chief Executive Officer

REPORT

Consultation

Details follow in the body of the report regarding all meetings and appointments of the Mayor for the given period. These meetings and appointments are representative of community, business, political and Council consultation.

Resourcing Implications

Nil

For the information of Councillors, the following details of mayoral appointments and attendances are provided:

Monday 18 July 2022

- Attended radio interview with 2DU.
- Attended radio interview with 2BS.
- Attended radio interview with 2WEB.
- Attended interview with WIN TV.
- Attended a JEV clinic to help NSW Health promote the testing.
- Attended along with Council's Chief Executive Officer, Murray Wood a Destination NSW dinner.
- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington & District Leader.

Tuesday 19 July 2022

- Attended radio interview with 2DU.
- Attended radio interview with ABC Western Plains Breakfast.
- Attended Financial Performance Committee meeting.
- Attended the launch of the Macquarie Agricultural Pathways Program luncheon.
- Attended a 'Christmas in July' event at Kintyre.

Wednesday 20 July 2022

- Attended radio interview with Triple M.
- Attended Official Opening of Carl's Jr Dubbo.
- Attended Australian Clean Energy Summit Sydney as a guest speaker.

Thursday 21 July 2022

- Attended a meeting with Howard Laughton.
- Attended radio interview with 2DU.
- Attended along with Councillors Lewis Burns; Jess Gough; Vicki Etheridge; Richard Ivey and Matt Wright, Councils Chief Executive Officer, Murray Wood and Federal Member for Parkes, the Hon. Mark Coulton the inaugural Dubbo Regional Council Staff Excellence Awards.
- Attended Councillor Workshop.

Friday 22 July 2022

- Attended radio interview with 2DU.
- Attended interview with WIN.
- Attended interview with Ben Palmer from the Daily Liberal.
- Attended an REI Orana event to celebrate National Property Managers.
- Attended along with Council's Chief Executive Officer, Murray Wood a meeting with Member for Dubbo, the Hon. Dugald Saunders MP.

Saturday 23 July 2022

- Attended along with Councillors Shibli Chowdhury and Pam Wells and Councils Chief Executive Officer, Murray Wood Dubbo parkrun to volunteer as part of DRC Staff.
- Attended Lie Detector Shooting event at Wellington.
- Attended Dubbo City & Gilgandra Toyota Gala Awards Evening.

Sunday 24 July 2022

• Attended radio interview with 2DU.

Monday 25 July 2022

- Attended radio interview with Zoo FM.
- Attended radio interview with DC FM.
- Attended E-Scooter Shared Scheme Trial Expo in Sydney.
- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington and District Leader.

Tuesday 26 July 2022

- Attended a meeting with Inland Rail/ARTC.
- Attended along with Council's Chief Executive Officer, Murray Wood a meeting with Regional Cities NSW.
- Attended interview with Prime7.
- Attended along with Council's Chief Executive Officer, Murray Wood a meeting with Steph Robinson, Brad Kane and Alex Ferguson from Lifeline Central West.
- Attended Regional Cities NSW Connectivity Working Group Meeting 3.

Wednesday 27 July 2022

- Attended along with Deputy Mayor, Councillor Richard Ivey the Bodangora Community Benefit Fund Cheque Presentations.
- Attended a meeting with Regional Cities NSW.
- Attended along with Council's Chief Executive Officer, Murray Wood a meeting with Peter Ryan 3D printing.

Thursday 28 July 2022

- Attended radio interview with ABC Western Plains.
- Attended the U3A Chapter 30th belated birthday celebration.
- Attended Council Briefing.
- Attended Ordinary Council Meeting.

Friday 29 July 2022

- Attended radio interview with 2DU.
- Attended radio interview with Sam from DC FM.
- Attended radio interview with Binjang radio.
- Attended interview with Prime7.
- Attended radio interview with DC FM.
- Attended along with Member for Parkes, the Hon. Mark Coulton MP, the Member for Dubbo, the Hon. Dugald Saunders MP the sod turn for the new Dubbo Bridge Start of Early Work, Brisbane Street and Darling Street intersection realignment.
- Attended along with Councillors Jess Gough; Shibli Chowdhury and Richard Ivey and Council's Chief Executive Officer, Murray Wood a funding announcement in regards to the Civic Centre in Wellington by Member for Dubbo, the Hon. Dugald Saunders.
- Attended interview with Triple M.
- Attended Senior Campus to meet the team from the University of Newcastle with their 'Charge Around Australia' project.

Saturday 30 July 2022

- Attended Mulletfest at Bunnings.
- Attended the Geurie Masonic Centre 100 year Centenary Celebration.
- Attended radio interview with Binjang Radio.

Sunday 31 July 2022

• Attended the Central West Cup at Paramount Tennis Club.

Monday 1 August 2022

- Attended radio interview with 2BS.
- Attended radio interview with 2WEB.
- Attended radio interview with 2DU.
- Attended a meeting with Councillor Lewis Burns.
- Attended a meeting with Councillor Jess Gough.
- Attended a meeting with Councillor Richard Ivey.
- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington and District Leader.

Tuesday 2 August 2022

- Attended along with Councillor Pam Wells and Council's Chief Executive Officer, Murray Wood the announcement of funding for the Wiradjuri Tourism Centre by Minister for Aboriginal Affairs, Minister for Arts and Minister for Regional Youth the Hon. Ben Franklin MLC and Member for Dubbo, the Hon. Dugald Saunders MP.
- Attended along with Council's Chief Executive Officer, Murray Wood the announcement of funding for the lighting at the Dubbo Regional Theatre and Convention Centre by Minister for Aboriginal Affairs, Minister for Arts and Minister for Regional Youth the Hon. Ben Franklin MLC and Member for Dubbo, the Hon. Dugald Saunders MP.
- Attended a meeting with Josh Girle-Bennett and Roger White from UGL Regional Linx.

Wednesday 3 August 2022

- Attended radio interview with Triple M.
- Attended DEVIOUS meeting.

Thursday 4 August 2022

- Attended meeting with all Joint Organisation Chairs.
- Attended along with Council's Chief Executive Officer, Murray Wood the Country Mayor's Skills Forum.
- Attended along with Council's Chief Executive Officer, Murray Wood the LGNSW Local Government Week Awards 2022.

Friday 5 August 2022

- Deputy Mayor, Councillor Richard Ivey attended the Commemoration Service of the Rural Fire Service Memorial Garden in lieu of the Mayor.
- Attended radio interview with 2DU.
- Attended along with Council's Chief Executive Officer, Murray Wood the Country Mayor's Meeting.

Saturday 6 August 2022

• Attended along with Councillors Josh Black; Vicki Etheridge; Shibli Chowdhury; Richard Ivey; Pam Wells and Council's Chief Executive Officer, Murray Wood a tour of Blueridge Business Park with Paul Knaggs.

Sunday 7 August 2022

• Attended and opened the International Women's Disc Golf Tournament.

Monday 8 August 2022

- Attended radio interview with Zoo FM.
- Attended along with Council's Chief Executive Officer a photo opportunity in regards to the Vinnies Community Sleepout.
- Attended along with Council's Chief Executive Officer a meeting with representative from Macquarie Homestay.

Tuesday 9 August 2022

- Attended a meeting with Councillor Pam Wells.
- Attended a meeting with Brittany Sultana and Errin Wilson from Dubbo Chamber of Commerce.
- Attended interview with Nick Rheinberger from ABC Illawarra.
- Attended a meeting with Council's Chief Executive Officer, Murray Wood and Manager Fleet and Depot Services, Steven Colliver.

Wednesday 10 August 2022

• Attended interview with the Daily Liberal.

Thursday 11 August 2022

- Attended radio interview with DC FM.
- Attended along with Council's Chief Executive Officer, Murray Wood the Regional Cities NSW August Board Meeting.
- Attended a meeting with Council's Chief Executive Officer, Murray Wood.
- Attended Standing Committee Briefing.
- Attended Standing Committee Meetings.

Friday 12 August 2022

- Attended radio interview with 2DU.
- Attended radio interview with Binjang.
- Attended radio interview with DC FM.
- Attended the Dubbo College Delroy Campus Secondary School Cadet Program Graduation.
- Attended a meeting with Judge Skinner.
- Attended along with Council's Chief Executive Officer, Murray Wood and Member for Dubbo, the Hon Dugald Saunders MP the Dream Festival Launch.

Saturday 13 August 2022

• Attended the St Johns JRLFC 50th Anniversary Gala Dinner.



INFORMATION ONLY MATTERS: Naming of Victoria Park No. 1 Oval in Honour of the Late Anthony George (Tony) Kelly PSM Petition

DIVISION:Organisational PerformanceREPORT DATE:18 August 2022TRIM REFERENCE:ID22/1720

EXECUTIVE SUMMARY

| Purpose | Other: For Notation | | |
|---------------------|--|--------------------------------|--|
| Issue | Petition lodge with Council with regard to the Naming of the No. 1 Oval in Honour of the Late Anthony George (Tony) Kelly PSM. | | |
| Reasoning | Recent public consultation period conducted by Geographical Names Board rejected the proposal. Council recently resolved to Name the Clubhouse Pavilion in Honour of Tony Kelly instead and is currently out on Community Consultation. Family of the Late Tony Kelly are asking for reconsideration of naming the Oval after him. | | |
| Financial | Budget Area | Not Applicable | |
| Implications | Funding Source | Not Applicable | |
| | Proposed Cost | Proposed Cost Not Applicable | |
| | Ongoing Costs | Not Applicable | |
| Policy Implications | Policy Title Not Applicable | | |
| | Impact on Policy | mpact on Policy Not Applicable | |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

RECOMMENDATION

That the petition regarding the Naming of the No. 1 Oval in Honour of the Late Anthony George (Tony) Kelly PSM be noted.

APPENDICES:

- 1. Petition Naming No 1 Oval in Honour of the Late Anthony George (Tony) Kelly PSM cover letter
- **2**. Petition Naming No 1 Oval in Honour of the Late Anthony George (Tony) Kelly PSM signed petition

APPENDIX NO: 1 - PETITION - NAMING NO 1 OVAL IN HONOUR OF THE LATE ANTHONY GEORGE (TONY) KELLY PSM - COVER LETTER

K. J. Rogers 1R Beemery Rd. Dubbo NSW 2830 M 0418636862 E <u>kennethjohnrogers@gmail.com</u>

Councillor Mathew Dickerson Mayor Dubbo Regional Council Administration Building Darling Street Dubbo NSW 2830

Re. Naming Number 1 Oval in honour of the late Anthony George (Tony) Kelly PSM.

Dear Mr. Mayor.

Whilst it is acknowledged that Council resolved at the June 2022 Ordinary Meeting to name the Victoria Number One Oval Clubhouse the 'Tony Kelly Pavilion' subject to a public exhibition period. This is appreciated but seen as a poor second prize for a man who devoted his entire working life to the development of Dubbo City and the region. Indeed, even after his retirement and as a double amputee he was still giving to Dubbo.

It is understood that the Geographic Names Board (GNB) declined Council's request to name Number 1 Oval in Mr. Kelly's honour. We contend that this decision was both flawed and outside the remit of the Geographic Names Board. The attached Statutory Declaration, sworn by Mrs. Lee Price shows that the GNB admits to making errors when dealing with the request. Indeed, the GNB's suggestion that the entire reserve on which the oval is situated seems to indicate an admission of fault.

This unfortunate situation is compounded by the way in which a number of submissions made to the GNB during the exhibition period, were classified. A total of 60 submissions were received and 40 of these were classified as objections, some of them wrongly so. By way of example, at least one submitter assumed that the proposal was about naming the oval after a former State Government Minister. Others said that there was no need to change the name from Number 1, another was simply race based. All of these were deemed by the GNB to be "objections" to the proposal to name the oval after Dubbo's Tony Kelly.

Had the GNB and Council more earnestly canvassed for public input, and had it been known that the submission was to be judged merely on a numbers for and numbers against, rather than a merit based assessment, it is clear that many more submissions in support of the proposal would have been forthcoming.

The attached petition with 134 signatures is testament to this fact.

It is understood that Council is also in receipt of an on line petition with some 297 additional signatures. A total of 421 signatures in support of naming Number 1 Oval in honour of the late Anthony George (Tony) Kelly PSM. We respectfully request that Dubbo Regional Council continue to take all appropriate steps to name Victoria Park Oval No. 1 "Tony Kelly Oval" to acknowledge his long-standing contributions to the Dubbo region.

Yours sincerely

Ken Rogers 4 August 2022 Attachments:

- 1 Statutory Declaration made by Mrs. Lee Price
- 2 Petition with 134 signatures

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I sign this petition requesting the Dubbo City Council changes the name of Victoria Park Number One Oval to Tony Kelly Oval.

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PETITION

We the undersigned petition Dubbo Regional Council to: Rather than naming the Number One Oval function building the 'Tony Kelly Pavilion', but name the actual Number One Oval in Victoria Park as the Tony Kelly Oval.

The reasons for this petition have been well documented and placed before the Council and Councillors previously.

Council's decision to name the Number One Oval function building the 'Tony Kelly Pavilion' appears to be based on a political compromise rather than on the true wishes of the vast majority of the community, as this petition demonstrates.

The contact person for this petition is JOHN SOLMON Of GUST WINGEN ARA Mobile Phone No. OFB973603

| # | Printed Name | Address | Signature |
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Council's decision to name the Number One Oval function building the 'Tony Kelly Pavilion' appears to be based on a political compromise rather than on the true wishes of the vast majority of the community, as this petition demonstrates.

The contact person for this petition is Ken Rogers

Of 1R Beemery Road Dubbo

| # | Printed Name | Address | Signature |
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| 1 | DAVID HARSHOR | 26 BRIGALOW AVENUE AVEN | |
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The contact person for this petition is ALANSALA KETTY Of 432 FFTZROY ST 20850 Dubbo

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The contact person for this petition is BARBART KEWY of 432 FIT2LOY ST PUBBO NSW 1830 Dubbo

Mobile Phone No. 0418638748

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The contact person for this petition is <u>SALSARA</u> Kells Of <u>432</u> <u>HTZROY</u> <u>STREET</u> Dubbo Mobile Phone No. <u>9418638748</u>

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| The contact person for this petition is | BARBARA | Kelly |
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| OF 432 FATZROY | | Jubbo |

Mobile Phone No. 0418638748

| # | Printed | Address | Signature |
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| 3 | Molly Sinclair | 7R Belmont road Dubb | |
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| The contact person for this petition is MRS. | BARSARA Kelly |
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| OF 432 FITZROY STREET | |
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| # | Printed | Address | Signature |
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The contact person for this petition is Ken Rogers

Of 1R Beemery Road Dubbo

| # | Printed | Address | Signature |
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Of 1R Beemery Road Dubbo

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The Late Tony Kelly of Dubbo

I was a friend and local government colleague of the Late Tony Kelly and I am well aware of the very significant contribution that Tony made, over many years, to the Dubbo community and to sport and sporting facilities within that city.

It is rare to have a General Manager (Formerly the Town Clerk) of the caliber α Tony Kelly serving the one community for such a long period of time and with a level of dedication and commitment that is rare to find these days.

It would be a fitting gesture, by the Dubbo City Council, to honour Tony's efforts by naming the Number One Oval in Victoria Park as the 'Tony Kelly Oval'.

Ray Smith PSM General Manager Bland Shire Council We the function

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CCL22/204

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 11 August 2022.

RECOMMENDATION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 11 August 2022, be adopted.



REPORT INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE 11 AUGUST 2022

PRESENT: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance (M Howlett), the Manager Governance and Internal Control, the Administration Officer Governance, the Director Strategy, Partnerships and Engagement, the Director Development and Environment, the Director Infrastructure, the Director Community, Culture and Places, the Manager Recreation and Open Space and the Cultural Development Coordinator.

Councillor J Black assumed the chair of the meeting.

The proceedings of the meeting commenced at 5.33 pm.

IPEC22/33 LEAVE OF ABSENCE (ID22/1483)

Requests for leave of absence were received from Councillors D Mahon, L Burns and M Wright who were absent from the meeting due to personal reasons.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

That such requests for Leave of Absence be accepted and Councillors D Mahon, L Burns and M Wright be granted leave of absence from this meeting

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. Against: Nil

IPEC22/34 CONFLICTS OF INTEREST (ID22/1484)

There were no conflicts of interest declared.

IPEC22/35 BUILDING SUMMARY - JULY 2022 (ID22/1362)

The Committee had before it the report dated 29 July 2022 from the Director Development and Environment regarding Building Summary - July 2022.

Moved by Councillor V Etheridge and seconded by Councillor R Ivey

MOTION

That the report of the Director Development and Environment, dated 31 July 2022, be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. **Against**: Nil

IPEC22/36 RESOURCE RECOVERY AND EFFICIENCY - COMMUNITY RECYCLING CENTRE OPERATIONS DEED (ID22/1385)

The Committee had before it the report dated 13 July 2022 from the Manager Resource Recovery and Efficiency regarding Resource Recovery and Efficiency - Community Recycling Centre Operations Deed.

Moved by Councillor S Chowdhury and seconded by Councillor P Wells

MOTION

That Community Recycling Centre Operations Deed between Dubbo Regional Council and the New South Wales Environment Protection Authority be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. Against: Nil

IPEC22/37 DRAFT PLANNING PROPOSAL POLICY (ID22/1169)

The Committee had before it the report dated 28 July 2022 from the Team Leader Growth Planning Projects regarding Draft Planning Proposal Policy.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

- **1.** That the draft Planning Proposal Policy (attached in Appendix 1) be adopted for the purposes of public exhibition.
- 2. That the draft Planning Proposal Policy be placed on public exhibition for a minimum of 28 days.

3. That following completion of public exhibition, a further report be presented to Council for consideration, addressing the outcomes of public exhibition.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. Against: Nil

IPEC22/38 PROPOSED HORSE WARNING SIGNS - MERRILEA ROAD DUBBO (ID22/1610)

The Committee had before it the report dated 4 August 2022 from the Senior Traffic Engineer regarding Proposed Horse Warning Signs - Merrilea Road Dubbo.

Moved by Councillor P Wells and seconded by Councillor M Dickerson

MOTION

That Council approval be granted to the Dubbo Turf Club for the installation of flashing lights and horse warning signs in Merrilea Road, subject to:

- a. The Dubbo Turf Club being responsible for all costs associated with the supply, installation and ongoing maintenance of the flashing lights and signs.
- b. The signs shall be solar powered and designed in accordance with the Australian Standard as per the submitted sample (Appendix 3), with the final sign design submitted to Council for approval.
- c. The location of the signs in Merrilea Road is to be determined in consultation with Council.
- d. The flashing lights will only operate during the peak track work period between 5.00 am and 10.00 am with notional variations due to demand needs or unforeseen circumstances.
- e. The existing entry static horse warning signs at each end of Merrilea Road are to be removed and returned to Council's Hawthorn Street Depot. The intermediate static signs highlighting the busier road crossing locations are to be retained.
- f. The matter of a reduced speed zone from 60 km/hour to 40 km/hour for track work periods is to be referred to Transport for NSW (TfNSW).

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. **Against**: Nil

The meeting closed at 5.36 pm.

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CHAIRPERSON



The Council had before it the report of the Culture and Community Committee meeting held 11 August 2022.

RECOMMENDATION

That the report of the Culture and Community Committee meeting held on 11 August 2022, be adopted.

CCL22/205



PRESENT: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance (M Howlett), the Manager Governance and Internal Control, the Administration Officer Governance, the Director Strategy, Partnerships and Engagement, the Director Development and Environment, the Director Infrastructure, the Director Community, Culture and Places, the Manager Recreation and Open Space and the Cultural Development Coordinator.

Councillor J Gough assumed the chair of the meeting.

The proceedings of the meeting commenced at 5.37 pm.

CCC22/33 LEAVE OF ABSENCE (ID22/1487)

Requests for leave of absence were received from Councillors D Mahon, L Burns and M Wright who were absent from the meeting due to personal reasons.

Moved by Councillor V Etheridge and seconded by Councillor P Wells

MOTION

That such requests for Leave of Absence be accepted and Councillors D Mahon, L Burns and M Wright be granted leave of absence from this meeting

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. Against: Nil

CCC22/34 CONFLICTS OF INTEREST (ID22/1485)

There were no conflicts of interest declared.

CCC22/35 REPORT OF THE AQUATICS WORKING PARTY - MEETING 25 JULY 2022 (ID22/1530)

The Committee had before it the report of the Aquatics Working Party meeting held 25 July 2022.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That the report of the Aquatics Working Party meeting held on 25 July 2022, be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. Against: Nil

At this juncture, the chair brought forward item CCC22/37.

CCC22/37 SPARC DUBBO REGIONAL COUNCIL CULTURAL PLAN - TWO YEAR UPDATE (ID22/1524)

The Committee had before it the report dated 1 August 2022 from the Cultural Development Coordinator regarding SPARC Dubbo Regional Council Cultural Plan - Two Year Update.

There was a presentation from the Cultural Development Coordinator.

Moved by Councillor M Dickerson and seconded by Councillor P Wells

MOTION

That the report of the Cultural Development Coordinator, dated 1 August 2022, be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. **Against**: Nil

CCC22/36 MACQUARIE RIVER MASTER PLAN (NORTH AND SOUTH PRECINCTS) UPDATE ON COMMUNITY CONSULTATION (ID22/1521)

The Committee had before it the report dated 30 July 2022 from the Manager Recreation and Open Space regarding Macquarie River Master Plan (North and South Precincts) Update on Community Consultation.

Moved by Councillor M Dickerson and seconded by Councillor S Chowdhury

RECOMMENDATION

That the Macquarie River Master Plan (North and South Precincts) progress report provided

by Manager Recreation and Open Space be noted.

Moved by Councillor J Black and seconded by Councillor V Etheridge

AMENDMENT

- 1. That the concerns by the community about the proposal by St Johns Junior Rugby League Football Club to build eight sporting fields in Regand Park be noted.
- 2. That the proposal by St Johns Junior Rugby League Football Club to secure in principle support of council to gift the land required in Regand Park to them be noted.
- **3.** That the grant monies obtained by St Johns Junior Rugby League Football Club to develop sporting fields and other facilities be noted.
- That the CEO provide a report to the September Ordinary meeting of council detailing 4. formal contact between proponents of the sporting facility proposal (St Johns Junior Rugby League Football Club) and Dubbo Regional Council (including the dates of meetings and proper summary of what was discussed), and attaching all documents that have been provided by the proponents to Dubbo Regional Council, or associated documents Dubbo Regional generated by Council and any plans/diagrams/images/overlays of possible layouts of the sporting fields shown to or developed by Dubbo Regional Council staff including those shown to councillors.

The amendment on being put to the meeting was carried.

CARRIED

For: Councillors J Black, V Etheridge, J Gough and P Wells. **Against**: Councillors S Chowdhury, M Dickerson and R Ivey.

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

CARRIED

For: Councillors J Black, V Etheridge, J Gough and P Wells. **Against**: Councillors S Chowdhury, M Dickerson and R Ivey.

The meeting closed at 6.20 pm.

.....

CHAIRPERSON



The Council had before it the report of the Corporate Services Committee meeting held 11 August 2022.

RECOMMENDATION

That the report of the Corporate Services Committee meeting held on 11 August 2022, be adopted, save and except item CSC22/38, which will be dealt with separately.

CCL22/206



PRESENT: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance (M Howlett), the Manager Governance and Internal Control, the Administration Officer Governance, the Director Strategy, Partnerships and Engagement, the Director Development and Environment, the Director Infrastructure, the Director Community, Culture and Places, the Manager Recreation and Open Space and the Cultural Development Coordinator.

Councillor M Dickerson assumed the chair of the meeting.

The proceedings of the meeting commenced at 6.21 pm.

CSC22/35 LEAVE OF ABSENCE (ID22/1488)

Requests for leave of absence were received from Councillors D Mahon, L Burns and M Wright who were absent from the meeting due to personal reasons.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That such requests for Leave of Absence be accepted and Councillors D Mahon, L Burns and M Wright be granted leave of absence from this meeting

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. Against: Nil

CSC22/36 CONFLICTS OF INTEREST (ID22/1486)

The following conflicts of interest were declared:

• Councillor J Gough declared a pecuniary, significant interest in item CSC22/38. The reason for such interest is that Councillor Gough's business is part of the Partnership Program.

CSC22/37 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - JULY 2022 (ID22/1598)

The Committee had before it the report dated 2 August 2022 from the Chief Financial Officer regarding Investment Under Section 625 of the Local Government Act - July 2022.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

That the information contained within the Investment under Section 625 of the Local Government Act Report, dated 2 August 2022, be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey and P Wells. Against: Nil

CSC22/38 ADDITION TO THE DESTINATION PARTNERSHIP PROGRAM FEES AND CHARGES (ID22/1519)

The Committee had before it the report dated 29 July 2022 from the Manager Economic Development and Marketing regarding Addition to the Destination Partnership Program Fees and Charges.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

That Council adopt the Destination Partnership Program Level 1, Full Partnership fee of \$660.00 for a period of up to 18 months.

CARRIED

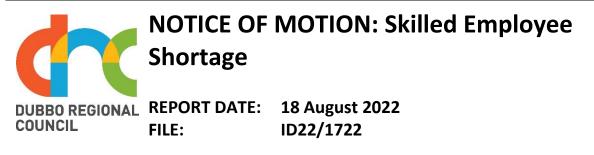
For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, R Ivey and P Wells. **Against**: Nil

Councillor J Gough declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Gough's business is part of the Partnership Program.

The meeting closed at 6.23 pm.

CHAIRPERSON





Council had before it a Notice of Motion dated 18 August 2022 from Councillor S Chowdhury regarding the Skilled Employee Shortage.

RECOMMENDATION

That, in light of the skilled employee shortage in our community, the CEO undertake a gap analysis on migrant support services available in the Dubbo Regional LGA and provide a subsequent report to the November 2022 Ordinary Meeting of Council. The report shall include a comparison with other comparable regional cities and how migrant support services are delivered and what support is available.

> *SC* Councillor

APPENDICES:

1. Notice of Motion - Skilled Employee Shortage - Clr Shibli Chowdhury

APPENDIX NO: 1 - NOTICE OF MOTION - SKILLED EMPLOYEE SHORTAGE - CLR

Councillor Shibli Chowdhury PO Box 81 DUBBO NSW 2830

18 August 2022

S

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

Dear Murray

NOTICE OF MOTION – SKILLED EMPLOYEE SHORTAGE

I would like to place the following notice of motion on the agenda for the 25 August 2022 Ordinary meeting of Council.

That, in light of the skilled employee shortage in our community, the CEO undertake a gap analysis on migrant support services available in the Dubbo Regional LGA and provide a subsequent report to the November 2022 Ordinary Meeting of Council. The report shall include a comparison with other comparable regional cities and how migrant support services are delivered and what support is available.

Yours faithfully

Shibli Chowdl Councillor



REPORT: Recommendations of ICAC's Operation Witney that are relevant to Council

DIVISION: C REPORT DATE: 9 TRIM REFERENCE: II

Chief Executive Officer 9 August 2022 ID22/1630

EXECUTIVE SUMMARY

| Purpose | Seek endorsement | Fulfil legislated requirement/Compliance | | | |
|-----------------------------|---|---|--|--|--|
| Issue | • To provide Council with the relevant corruption prevention recommendations from ICAC's Operation Witney. | | | | |
| Reasoning | There were findings and subsequent recommendations regarding the integrity of council decision making that should be considered by Dubbo Regional Council. Ensure Council has resilient systems to protect the integrity of decision making. | | | | |
| Financial | Budget Area Governance | | | | |
| Implications Funding Source | | Councillor training and Governance | | | |
| | Proposed Cost | \$1,000 | | | |
| | Ongoing Costs | Overall Councillor training average of over four budget is \$78,826 | | | |
| Policy Implications | Policy Title | Councillor and Staff Interaction Policy | | | |
| | Impact on Policy | Review required | | | |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 4 Leadership |
|----------------------------|--|
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance |
| Delivery Program Strategy: | 4.1.2 Council's decision-making processes are open, transparent and accountable |
| Theme: | 4 Leadership |
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance |

Delivery Program Strategy:

4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner

RECOMMENDATION

- 1. That the information contained within this report, be noted.
- 2. That it be noted that the Chief Executive Officer is undertaking a review of the existing Councillor and Staff Interaction Policy in regards to the recommendations and findings of ICAC's Operation Witney.
- **3.** That any related and proposed improvements to the Councillor and Staff Interaction Policy be considered in a subsequent report to Council in October 2022.
- 4. That the recommendations in "Part 2: The Integrity of Council decision-making" of the ICAC Report dated July 2022, as detailed in this report, be noted and incorporated into relevant policies and practices of Council.
- 5. That Council provide a submission to the Office of Local Government in regards to Circular No 22-22 "the development of guidelines and a model policy on the lobbying of councillors", as attached as Appendix 2.

MW Chief Executive Officer

REPORT

Council received correspondence dated 28 July 2022 (**Appendix 1**) from the Chief Commissioner of the Independent Commission Against Corruption (ICAC) regarding the findings of Operation Witney including provision of a hardcopy report. This was part of a sector wide communication to local government across NSW.

The report states that "This investigation by the NSW Independent Commission Against Corruption ("the Commission") was concerned with whether, between March 2011 and February 2018, the state member for Drummoyne, Anthony (John) Sidoti MP, improperly influenced, or attempted to improperly influence, any person or persons, and in particular the Liberal councillors on the City of Canada Bay Council (CCBC), to dishonestly or partially exercise any of their public official functions..."

Whilst the matters investigated relate to a specific Council, being the City of Canada Bay (CBCC), there are recommendations and findings that pertain to the Local Government sector as a whole. In this regard, Dubbo Regional Council is undertaking a review of related policies and processes as part of its commitment to continuous improvement and to meet its obligation to prevent the opportunity for corrupt practices.

Under "*Part 2: The integrity of Council decision-making*" the ICAC makes seven recommendations pertaining to the local government sector. They are:

Recommendation 9

"That the NSW Department of Planning and Environment ensures any guidelines issued pursuant to s 23A of the Local Government Act 1993 regarding the lobbying of councillors include advice about:

- the nature and frequency of meetings between councillors and interested parties, including the need to ensure transparency around these interactions
- how and where to report concerns about lobbying practices
- the receipt of submissions outside of formal processes, including the transmission of material to specific councillors in a way that excludes other councillors and staff
- councillors' attendance at staff meetings with parties interested in an outcome
- councillor representations to staff arising from lobbying interactions
- the lobbying of councillors by interested parties with whom they have a pre-existing relationship"

Recommendation 10

"That the NSW Department of Planning and Environment updates the Model Code of Conduct for Local Councils in NSW to refer to any councillor lobbying guidelines and to reflect the substantive advice contained in the guidelines."

Recommendation 11

"That CCBC adopts a policy regulating interactions between councillors and staff. The policy should cover councillor representations to staff arising from lobbying activities and the attendance of councillors at proponent meetings with staff." Note: Dubbo Regional Council has an adopted Councillor and Staff Interaction Policy. It will be reviewed to ensure the ICAC recommendation regarding lobbying is addressed adequately and clearly.

Recommendation 12

"That CCBC continues to provide conflict of interest training to councillors, at least on a biennial basis. The training should cover situations where councillors are lobbied by those with whom they have a relationship or association and the circumstances where this would give rise to a conflict of interest."

Note: Dubbo Regional Councillors, as part of the on-boarding process post-election, have had significant conflict of interest training. There are programed refreshers for later in the Council term and as updates to relevant Codes are issued by the Office of Local Government - Department of Planning and Environment.

Recommendation 13

"That the Department of Planning and Environment amends the Model Code of Conduct for Local Councils in NSW to generally prohibit councillors' involvement in matters where they have a pecuniary or significant non-pecuniary conflict of interest, beyond exercising the general rights afforded to a member of the public. An exception should be made in circumstances where a councillor reallocates or delegates their duties, refers interested parties to the appropriate way of making a representation or makes a complaint due to becoming aware of improper conduct."

Recommendation 14

"That the Department of Planning and Environment amends the Model Code of Conduct for Local Councils in NSW to include provisions about the appropriate role of council workshops. In particular, it should be made clear that workshops cannot be used to transact council business."

Note: Council does hold Councillor Workshops and they are typically one of two types. The first type of workshop are those tailored to creating understanding. This may relate to Councillors' regulatory obligations or the Council's condition as an Organisation. An example of this type is a Workshop proposed with Councillors regarding the asset management status of the Organisation, and the potential impacts to the long term financial position of the Organisation. This information is then able to be used by Councillors in decision making within Council meetings as part of setting the strategic direction of the Organisation.

The second type of workshop would be a consultation session on a matter where staff and consultants are presenting information and Councillors are able to provide their views and insights as part of a broader consultation body of work. It is not treated as a decision making meeting but part of the information gathering that informs a future proposal put forward by professional staff for consideration and determination at a Council meeting.

Recommendation 15

"That CCBC continues to offer planning training to councillors during each term on their obligations under the Environmental Planning and Assessment Act 1979, particularly regarding the consideration of planning proposals."

Note: Council has planning training programmed for delivery to Councillors. In considering the recommendations of the ICAC, staff will also undertake to identify more flexible delivery methods that ensure all Councillors are able to access the training on planning in recognition of the differing demands on their available time.

Council workshops

The ICAC Report July 2022 (p 189) provides the Commission's views on workshops under the section '*Clarifying the proper role of workshops*.'

The report states:

"As members of the governing body, it is appropriate for councillors to set the broad direction for a council. Consequently, there may be situations where workshops are used as a forum for councillors to communicate their views to staff about high-level strategic priorities and the direction of a council.

There is also nothing inherently improper with councillors expressing opinions at workshops."

Of note, the above description of workshops is distinguished by ICAC from "circumstances where councillors direct staff members about specific contents of a report or a recommendation."

Dubbo Regional Council does record attendees, outcomes of Council workshops and any declared conflicts of interest. In this regard, Council can be considered as addressing some of the concerns raised by the ICAC with the Office of Local Government in that there is not a sector wide regulatory requirement to declare conflicts of interest outside of Council meetings. Rather, Dubbo Regional Council should be considered as instituting good probity control measures and this is an example of good practice by an individual council.

In light of Recommendation 14 and the associated findings, staff will review the processes as to how Councillor Workshops are delivered to ensure probity risks are identified and managed appropriately.

Councillor and Staff Interaction Policy

The ICAC report identifies that CBCC did not have a "Councillor and Staff Interaction Policy' which created opportunities for Councillors to direct staff, noting there has been findings of corrupt conduct against Mr Sidoti (p. 6) in using his official position to try to improperly influence Councillors of CBCC.

Dubbo Regional Council was required to develop and have adopted such a policy as part of the Performance Improvement Order served upon Dubbo Regional Council on 29 June 2021 by the Minister for Local Government.

The Final Compliance Report provided by the Chief Executive Officer that reported on Council's compliance with Actions contained within the Performance Improvement Order Schedule 2 stated:

"In regard to developing a formal framework for Councillor requests, as provided in Compliance Report 2, Council formally considered CCL21/158 – Draft Council Policy – Councillor and Staff Interaction at its Ordinary meeting held 26 July 2021, and resolved as follows:

- 1. That Council endorse the following changes to the Councillor and Staff Interaction Policy:
 - Title, formatting, language and grammatical changes to align Council's Policy with the Office of Local Government draft Model Councillor and Staff Interaction Policy.
 - Inclusion of a Councillor request system.
- 2. That the draft Councillor and Staff Interaction Council Policy, attached as Appendix 1 of the report of the Chief Executive Officer, dated 13 July 2021, be placed on public exhibition for a period of 28 days inviting the public to make submissions.
- 3. That the draft Councillor and Staff Interaction Policy be referred to the Office of Local Government in accordance with the Performance Improvement Order.
- 4. That a report be provided to the September 2021 Ordinary Meeting of Council recommending the adoption of Councillor and Staff Interaction Policy, addressing public submissions and responses from the Office of Local Government.
- 5. That the Council Procedure Councillor Requests, attached as Appendix 2 of the report of the Chief Executive Officer, dated 13 July 2021, be adopted and referred to the Office of Local Government as required by the Performance Improvement Order.
- 6. That Council, taking into account the Performance Improvement Order and to assist in this period of consolidation during the transition to a new Council, delegate to the Chief Executive Officer authority to exercise the restrictions included in the draft Councillor and Staff Interaction Policy to impose limitations on, prioritise, or delay response to disrespectful or excessive use of the Councillor Requests system."

This policy is in effect in this current term of Council. Given the findings of the ICAC, the existing Policy will be reviewed and any changes required to address the ICAC recommendations will be put forward for Council's consideration at the October 2022 Ordinary meeting.

Consultation

• Further consultation shall be undertaken with the Governance team of Council and officers of the Office of Local Government.

Resourcing Implications

- Training of Councillors is an existing budget item (see Table 1 below).
- The revision and production of Council policies is undertaken within existing budgeted resources.

| Total Financial Implications | Current year (\$) | Curren year + : (\$) | - | Current year + 2 (\$) | Current year + 3 (\$) | Current year + 4 (\$) | Ongoing (\$) |
|--|-------------------------|----------------------------|--------------|-----------------------------|-----------------------------|-----------------------------|-----------------|
| a. Operating revenue | 0 | | 0 | 0 | 0 | 0 | 0 |
| b. Operating expenses | 76,500 | 78,03 | 30 | 79,591 | 81,183 | 82,200 | 82,200 |
| c. Operating budget impact (a – b) | 76,500 | 78,030 | | 79,591 | 81,183 | 82,200 | 82,200 |
| d. Capital Expenditure | 0 | | 0 | 0 | 0 | 0 | 0 |
| e. Total net impact (c – d) | 76,500 | 78,03 | 30 | 79,591 | 81,183 | 82,200 | 82,200 |
| Does the proposal require ongoing funding? | | | Ye | es | | | |
| What is the source of this funding? | | | General Fund | | | | |

 Table 1. Ongoing Financial Implications of total Councillor Training Budget

Options Considered

- To note the ICAC report and await for the Office of Local Government (OLG) to provide direction through the updates of Codes and issuing of guidelines.
- It was considered more prudent to review Council's policies and processes against the ICAC findings now and, if required, update matters upon the release of formal direction from OLG.

Next Steps

• Review of Councillor and Staff Interaction Policy with a subsequent report to Council in October 2022.

APPENDICES:

- 1. Letter from ICAC Chief Commissioner NSW State Member Drummoyne Operation Witney - 28 July 2022
- **2**. OLG Circular 22-22 The development of guidelines and a model policy on the lobbying of councillors

INDEPENDENT COMMISSION AGAINST CORRUPTION NEW SOUTH WALES

Mr Murray Wood Chief Executive Officer Dubbo Regional Council PO Box 81 DUBBO NSW 2830

28 July 2022

Our Ref: E19/1452

Dear Mr Wood

NSW State Member for Drummoyne – allegations concerning improper influence and breach of public trust (Operation Witney)

Please find enclosed, for your information, the Commission's report on its *Investigation into the conduct of the local member for Drummoyne* (Operation Witney), which was furnished to the Presiding Officers on 20 July 2022.

In the report, the Commission finds that Anthony (John) Sidoti MP engaged in serious corrupt conduct by using his official position, as a member of Parliament and the local member for Drummoyne, to try to improperly influence City of Canada Bay Liberal councillors to adopt and advance certain positions in relation to the Five Dock town centre that would benefit his family's property interests in the area.

The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of Mr Sidoti for the offence of misconduct in public office.

The Commission has made 15 corruption prevention recommendations to help improve systems regarding the disclosure of pecuniary and private interests, and the management and declaration of conflicts of interest for members of Parliament, and to address councillors' governance obligations, particularly in relation to lobbying, conflicts of interest and environmental planning issues.

The Commission's findings and recommendations are contained in the report, which is available on the ICAC's website at www.icac.nsw.gov.au.

Yours faithfully

show

The Hon Peter Hall QC Chief Commissioner

| (| DUBBO REGIONAL COUNCIL |
|-------|------------------------|
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| | - 8 AUG 2022 |
| | |
| CONT | AINER # 121947 |

Level 7, 255 Elizabeth Street, Sydney NSW 2000 | GPO Box 500 Sydney NSW 2001 | ABN 17 934 402 440 T 02 8281 5999 | F 02 9264 5364 | E icac@icac.nsw.gov.au | www.icac.nsw.gov.au

| | Office of Local Gove | ernment Circular to Councils | | | | |
|--------------|---|--|--|--|--|--|
| | Circular Details | Circular No 22-22 / 8 August 2022 / A731312 | | | | |
| | Previous Circular | N/A | | | | |
| | Who should read this | Councillors / General Managers / All council staff | | | | |
| Contact Cour | | Council Governance / (02) 4428 4100 / olg@olg.nsw.gov.au | | | | |
| | Action required | Response to OLG | | | | |
| | The development of guidelines and a model policy on the lobbying of councillors. | | | | | |
| ۷ | What's new or changing In recent investigations, (Operation Dasha, Operation Eclipse and Operation | | | | | |

- Witney), the Independent Commission Against Corruption (ICAC) has considered the corruption risks associated with the lobbying of councillors and
 - made corruption prevention recommendations.
 - Among other things, ICAC has recommended:
 - o that the Office of Local Government (OLG), in consultation with the local government sector, develop guidelines to enhance transparency around the lobbying of councillors (ICAC has also made recommendations about the content of the guidelines), and
 - that the Lobbying of Government Officials Act 2011 (the LOGO Act) is amended to ensure all provisions apply to local government.
 - In response to ICAC's recommendations, OLG is proposing to develop guidelines to enhance transparency around the lobbying of councillors. The guidelines will be issued under s 23A of the Local Government Act 1993.
 - OLG is also developing a model policy on lobbying to support councils to implement the guidelines. If adopted by councils, the policy will operate to supplement the provisions of their adopted codes of conduct.

What this will mean for your council

- · OLG is undertaking consultation with councils to seek their views on what should be included in the proposed guidelines and to identify existing best practice in the local government sector in managing corruption risks associated with the lobbying of councillors.
- OLG is also seeking the views of councils on whether the LOGO Act should apply to local government.
- To assist with the development of the guidelines and model policy, OLG is seeking the following from councils:
 - councils' views and suggestions on ICAC's recommendations on the content of the proposed guidelines (set out in the attachment to this circular)
 - suggestions on what issues, behaviours and risks need to be addressed in the guidelines and model policy
 - information about what measures councils currently take to enhance transparency and promote honesty around the lobbying of councillors, and copies of or links to councils' existing lobbying policies.
- Submissions may be made by email to olg@olg.nsw.gov.au.
- Submissions should be labelled 'Lobbying Guidelines' and marked to the attention of OLG's Council Governance Team.

Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541

Locked Bag 3015 NOWRA NSW 2541

т 02 4428 4100 г 02 4428 4199 тту 02 4428 4209

E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046

Α

• Submissions should be made by COB Monday 5 September 2022.

Where to go for further information

- Information about ICAC's corruption prevention recommendations in relation to the lobbying of councillors is provided in the attachment to this circular.
- ICAC's report on Operation Dasha is available <u>here</u>.
- ICAC's report on Operation Eclipse is available <u>here</u>.
- ICAC's report on Operation Witney is available <u>here</u>.
- Information on the operation of the LOGO Act is available <u>here</u>.
- Contact OLG's Council Governance Team by telephone on 02 4428 4100 or by email at <u>olg@olg.nsw.gov.au</u>

Michelle Wood A/Deputy Secretary, Crown Lands and Local Government

Office of Local Government 5 O'Keefe Avenue NOWRA NSW 2541 Locked Bag 3015 NOWRA NSW 2541 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209 E olg@olg.nsw.gov.au www.olg.nsw.gov.au ABN 44 913 630 046

3 ATTACHMENT

ICAC recommendations in relation to section 23A guidelines on the lobbying of councillors

Operation Dasha

Recommendation 8

That the Department of Planning and Environment (DPE), following a reasonable period of consultation, issues guidelines under section 23A of the *Local Government Act 1993* (LGA) to introduce measures to enhance transparency around the lobbying of councillors. The guidelines should require that:

- councils provide meeting facilities to councillors (where practical) so that they
 may meet in a formal setting with parties who have an interest in a
 development matter
- councils make available a member of council staff to be present at such a
 meeting and to prepare an official file note of that meeting to be kept on the
 council's files (any additional notes made by the member of council staff and/or
 the councillor should also be kept as part of the council's records)
- all councillors be invited when a council conducts formal onsite meetings for controversial re-zonings and developments, and
- council officers disclose in writing to the general manager any attempts by councillors to influence them over the contents or recommendations contained in any report to council and/or relating to planning and development in the local government area.

Operation Witney

Recommendation 9

That DPE ensures any guidelines issued pursuant to section 23A of the LGA regarding the lobbying of councillors (see Operation Dasha recommendation 8 above) include advice about:

- the nature and frequency of meetings between councillors and interested parties, including the need to ensure transparency around these interactions
- how and where to report concerns about lobbying practices
- the receipt of submissions outside of formal processes, including the transmission of material to specific councillors in a way that excludes other councillors and staff
- councillors' attendance at staff meetings with parties interested in an outcome
- councillor representations to staff arising from lobbying interactions, and
- the lobbying of councillors by interested parties with whom they have a preexisting relationship.

Recommendation 10

That DPE updates the *Model Code of Conduct for Local Councils in NSW* to refer to any councillor lobbying guidelines and to reflect the substantive advice contained in the guidelines.

4

ICAC recommendations and findings on the extension of the *Lobbying* of *Government Officials Act 2011* (the LOGO Act) to local government

Operation Dasha

Recommendation 7

That the NSW Government amends the LOGO Act to ensure all provisions apply to local government.

Operation Eclipse

Key finding 5

The local government sector faces considerable risk of undue influence and should be regulated by the LOGO Act.

Investigations conducted by ICAC and interstate anti-corruption commissions indicate that local councils are often the target of improper lobbying. However, local government officials are not "government officials" as defined by, and for the purposes of, the LOGO Act. The *Model Code of Conduct for Local Councils in NSW* does not explicitly refer to lobbying; however, it does contain general obligations in relation to ethical and honest conduct, as well as more detailed material covering:

- improper and undue influence
- inappropriate interactions
- use and security of confidential information
- recordkeeping.

Extending the provisions of the LOGO Act to local government would, among other matters, allow the lobbying regulator to provide guidance about the appropriate policies and procedures that would best suit the circumstances of local councils, particularly regarding matters about planning, land use, the environment and community amenities.



REPORT: Release of Confidential Report -CW04/012 - Acquisition of Land for Recreation Purposes (Regand Park)

DIVISION: REPORT DATE: TRIM REFERENCE:

Chief Executive Officer 9 August 2022 ID22/1631

EXECUTIVE SUMMARY

| Purpose | Seek endorsement | | |
|---------------------|--|-----|--|
| Issue | This report requests the release of a confidential report from 2004 which relates to the Macquarie River Master Plan, particularly relating to Regand Park. | | |
| Reasoning | • To assist in background, transparency and the consultation process with the community in respect of the Macquarie River Master Plan, particularly relating to the Regand Park portion. | | |
| Financial | Budget Area | N/A | |
| Implications | Funding Source | N/A | |
| | Proposed Cost | Nil | |
| | Ongoing Costs | Nil | |
| Policy Implications | Policy Title | N/A | |
| | Impact on Policy | Nil | |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 5 Liveability |
|----------------------------|--|
| CSP Objective: | 5.5 Our community has access to a diverse range of recreational opportunities |
| Delivery Program Strategy: | 5.5.2 Unique recreation and open space facilities are available |
| Theme: | 5 Liveability |
| CSP Objective: | 5.5 Our community has access to a diverse range of recreational opportunities |
| Delivery Program Strategy: | 5.5.1 Passive and active open space is located to maximise access and use by the community |

RECOMMENDATION

That the confidential status of the Committee of the Whole Report "04/012 – Acquisition of Land for Recreation Purposes" (confidential document attached as Appendix 1 and provided under separate cover to Councillors) be revoked and the report be made public.

MW Chief Executive Officer

BACKGROUND

A detailed background into the matter of the Regand Park Master Plan can be found within the Council Report CCL22/36 – Macquarie River Master Plan (North and South Precincts) Update on Community Consultation, which was considered by Council at its Culture and Community Committee meeting held on 11 August 2022.

REPORT

Consultation

• There is community consultation being undertaken in respect of Macquarie River Master Plan (North and South Precincts). For details, please refer to the abovementioned report CCL22/36.

Resourcing Implications

• There are no resourcing implications with regard to releasing the confidential Committee of the Whole report to the community.

This report recommends that the confidential status of the Committee of the Whole Report "04/012 – Acquisition of Land for Recreation Purposes" (confidential document attached as Appendix 1 and provided under separate cover to Councillors) be revoked and the report be made public, noting that the report was considered 18 years ago.

The purpose of this releasing the report to the public is to assist in background, transparency and the consultation process with the community in respect of the Macquarie River Master Plan, particularly relating to the Regand Park portion.

APPENDICES:

1 Confidential Report - Committee of the Whole - 04/012 Acquisition of Land Excluded for Recreation Purposes - Regand Park Excluded



REPORT: Audit Committee Update

DIVISION: REPORT DATE: TRIM REFERENCE: Organisational Performance 26 July 2022 ID22/1477

EXECUTIVE SUMMARY

| Purpose | Extend appointme | | Fulfil legislated | |
|---------------------|---|--|-----------------------------------|--|
| | and Risk Managem | hent | requirement/Compliance | |
| | Committee memb | ers | | |
| Issue | Determine the second seco | he membership | of the Audit and Risk | |
| | Managemen | t Committee fo | or an additional 12 months (until | |
| | November 2 | 023) | | |
| | Highlight process for next recruitment | | | |
| Reasoning | OLG Circular 22-21 mandates changes to process | | | |
| Financial | There are no financial implications | | | |
| Implications | | | | |
| Policy Implications | Policy Title ARMC Charter | | r | |
| | Impact on Policy Charter will need to be amended. This is not | | eed to be amended. This is not | |
| | | urgent and will be done when the numerou | | |
| | other expected changes are also announced. | | ed changes are also announced. | |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 4 Leadership |
|----------------------------|--|
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance |
| Delivery Program Strategy: | 4.1.2 Council's decision-making processes are open, transparent and accountable |
| Theme: | 4 Leadership |
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance |
| Delivery Program Strategy: | 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner |

RECOMMENDATION

That the Independent Members of the Audit and Risk Management Committee be appointed for an additional term from November 2022 to 1 November 2023.

Dean Frost Director Organisational Performance *PB* Internal Auditor

BACKGROUND

The general concept of audit is that an independent person reviews a report in order to reduce the risk of bias or error by the original author. The auditor checks that the conclusions are consistent with the evidence held. The chance of two people making the same mistake (the author and the auditor) is significantly lower than the chance of the author making an error on documents that are not checked. The checking however always has a cost. Important things may be deemed to need auditing while the cost of checking minor things is unlikely to be worth the cost.

Audit Committees exist to determine what should be audited and to review the audits. Where the executive body cannot be guaranteed to have financial expertise (such as a democratically elected body which might prioritise other skills higher than financial expertise), the Audit Committee may have a role in ensuring the financial reports provide a plain English explanation of what is happening while not losing any of the important details.

Audit Committees frequently have additional responsibilities in addition to pure audit. Various names are used which are essentially interchangeable. In this report the "Audit and Risk Management Committee" is the Audit Committee as it currently exists at Dubbo. An "Audit Risk and Improvement Committee" is the term used by the Office of Local Government for its vision of an Audit Committee.

Audit in NSW Local Government

External audit has always been required in Local Government. The use of Internal Audit and Audit Committees is more recent but not exactly new. Both Dubbo City Council and Wellington Council had audit committees and internal audit functions prior to the creation of Dubbo Regional Council.

The Office of Local Government has been slowly lifting the bar in regards to what is required in audit. To date the requirements have been in the nature of requiring the slower moving Councils to catch up with what the majority were already doing. The Office of Local Government approach could be characterised as researching to determine what constitutes consensus, and then mandating it. This worked well when prescribing general principles. Now that the sector is addressing the details, the Office of Local Government has had to deal with the reality that best practice for a small Council can be different to best practice for a large Council.

•

Major dates in the history of audit in Local Government:

- 2001 ICAC comments that only 20% of Councils have an Audit Committee or an audit function.
- 2008 The then Department of Local Government issues the first set of audit guidelines under s23A. Council is not required to follow the guidelines but is expected to document its reasons for taking a different approach when in chooses to do so.
- 2010 The guidelines are reviewed and version 2 issues.
- 2011 The ICAC report on Burwood Council concludes the absence of an audit function as a significant factor that allowed corrupt conduct to be hidden from Council. The report also suggests some changes to the Local Government Act were required in order for adequate protection to exist.
- 2014 The Independent Local Government Review Panel recommends reviewing the existing guidelines with a view to making Internal Audit and an Audit Risk and Improvement Committee compulsory in medium and large Councils
- 2015 Office of Local Government publishes "Towards New Local Government Legislation Explanatory Paper: proposed Phase 1 amendments" as part of its "Fit for the Future" program. The paper advises Councils will be required to have Audit Risk and Improvement Committees, and audit functions. Compulsory guidelines will identify the details.
- 2015 Local Government Internal Audit Network suggests changes are required to the structure of the Act for the proposed changes to work
- 2016 Office of Local Government takes a minimalist approach to editing the Local Government Act. The new approach will be implemented via guidelines.
- 2016 Minor amendment to Local Government Act mandates an Audit Risk and Improvement Committee six months after next Local Government election
- 2019 Office of Local Government discussion paper "A new internal audit and risk management framework for local councils in NSW"
- 2021 Office of Local Government releases draft "Guidelines for Risk Management and Internal Audit For Local Councils in NSW"
- June 2022 After repeated deferments, the final date for appointing an Audit Risk and Improvement Committee arrives.
- July 2022 Office of Local Government provides detailed advice of proposed requirements for eligibility to be a member of an Audit Risk and Improvement Committee.

Audit and Risk Management Committee at Dubbo Regional Council

The Charter of the Audit and Risk Management Committee (appendix 1) is as resolved by Council. At present there are provisions that the Council must consider including in the charter, but nothing that the Council must include. As noted above, the Office of Local Government has until recently, been advising of its intent to introduce mandatory provisions. To date it has not made any mandatory requirements for how audit works, and the latest advice seems to be stepping back from the previous announcements that compulsory guidelines were coming.

As per the Charter, the Audit and Risk Management Committee consists of :

3.2.(a) Core Members (voting)

- One Councillor (or an alternate Councillor to be determined by Council)
- Two independent external members (not members of Council and one to be Chairperson)

(b) Attendee (non-voting)

- Mayor
- Chief Executive Officer
- Internal Auditor
- Director Organisational Performance
- (c) Invitees (non-voting)
- Representatives of the external auditor (as required)
- Chief Financial Officer
- Executive Manager Governance and Internal Control
- Other officers of Council as requested by the ARMC, Mayor and/or by the Chief

While it is not spelt out in the charter, Dubbo Regional Council has adopted standard industry practice of ensuring at least one of the independent members is an experienced auditor or accountant so that the committee has its own internal expertise and is not forced to rely solely on the expertise of Council staff.

The Audit and Risk Management Committee has been kept up to date with progress as it occurred. In addition to Council receiving reports from each Audit and Risk Management Committee meeting and the Audit and Risk Management Committee Annual Reports, details of the main OLG discussion paper were advised to Council 25/11/2019.

REPORT

The Office of Local Government has now advised its intended requirements for Audit and Risk Management Committee members. Circular 22-21 of 20 July 2022 (appendix 2) advises that by 1 July 2024, the Audit Committee will have to comply with the OLG composition, independence and competence requirements. The underlying reform concept changes from previous OLG advice.

A major strategy of the original OLG plans was to have a central agency vetting potential Audit Committee members. The plan was essentially a copy of a process created by NSW Treasury for State Government agencies. An assessment process for potential members would ensure that audit committees were technically competent and independent. The criteria focuses on preventing political appointments. On 13 January 2020 Council wrote to the OLG in response to its discussion paper on the proposal at the time. The letter includes concerns about the narrowness of the criteria and the logistics of the planned process.

The position in the latest circular is that the Councils will now do that vetting themselves, based on the criteria the OLG has provided.

Non-Councillor members

The new rules will require an expansion from two independent members to three and assessment of applications for membership to be made against the Office of Local Government criteria.

The current term of the non-Councillor members expires in November 2022. The immediate decision to be made is whether to adopt the new process prior to that expiry date or continue with the principles of the existing system in the short term. Council has until 1 July 2024 to transition to the new membership model. This report suggests that the costs of early adoption exceed the benefits, and that the optimal process is to extend the term of existing members by 12 months and plan for a transition to the new model in November 2023.

The advantages and disadvantages of moving in November 2023 would include:

- It creates a reasonable timeframe to plan and advertise the process
- The new system is expected to cost around \$4,000 more than the existing system (one additional member). Delaying implementation by 12 months is expected to create a one-off saving of around \$4,000 compared to early adoption.
- The OLG is expect to issue further guidance. Waiting for that advice reduces any risks of misinterpretation or flowing from the possibility of the OLG making changes.
- The Audit and Risk Management Committee can plan for possible transition issues. The change in system creates the possibility that both the Non-Councillor members leave at the same time. In the past, care has been taken to ensure continuity of at least one member.
- The total technical skill and therefore the total contribution that could be made by the Audit and Risk Management Committee should increase under the new system due to the inclusion of an extra member. This benefit is delayed compared to immediate adoption of the new system.

It is recommended that Council resolve to extend the term of the existing members and then proceed to advertise for new members from July 2023. The outcome of the Expression of Interest would then be brought back to Council to determine the next steps with a view to making appointments that comply with the new rules prior to November 2023. Existing members would be eligible to apply for further terms provided they meet the Office of Local Government rules.

Councillor members

Under the system advised by Office of Local Government, the Councillor member becomes non-voting and there is a timing issue.

As the Councillor member of the Audit and Risk Management Committee was not evaluated for membership against the new rules, that appointment decision appears to need to be reassessed prior to 1 July 2024. It is recommended that the issues associated with changing the rules for Councillor members be addressed at the same time as finalising non-Councillor membership. This means there will be time to confirm requirements with the OLG.

Consultation

• The existing members of the Audit and Risk Management Committee have been consulted and have advised they would be happy to serve another 12 months.

Resourcing Implications

• Nil

| Total Financial Implications | Current year (\$) | Current year + 1 (\$) | Current year + 2 (\$) | Current year + 3 (\$) | Current year + 4 (\$) | Ongoing (\$) |
|--|-------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------|
| a. Operating revenue | 0 | 0 | 0 | 0 | 0 | 0 |
| b. Operating expenses | 8,400 | 10,400 | 12,400 | 12,400 | 12,400 | 12,400 |
| c. Operating budget impact (a – b) | - 8,400 | - 10,400 | - 12,400 | - 12,400 | - 12,400 | - 12,400 |
| d. Capital Expenditure | 0 | 0 | 0 | 0 | 0 | 0 |
| e. Total net impact (c – d) | - 8,400 | - 10,400 | - 12,400 | - 12,400 | - 12,400 | - 12,400 |
| Does the proposal require ongoing funding? Yes | | | | | | |

What is the source of this funding?

General funds

Table 1. Ongoing Financial Implications

Note: Assumes no change in membership fee structure.

Timeframe

| Key Date | Explanation |
|-----------------|--|
| 1 November 2022 | Current Independent Membership expires |
| 1 November 2023 | Extend current Independent Membership to this date |

APPENDICES:

- **1** ARMC Charter
- **2** OLG Circular

ITEM NO: CCL22/210



AUDIT AND RISK MANAGEMENT COMMITTEE CHARTER

February 2022

Records Reference: ED22/7970 ED22/31237

February 2022

APPENDIX NO: 1 - ARMC CHARTER

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1 ARMC Purpose

The Audit and Risk Management Committee (ARMC) is an advisory Committee assisting the Council to fulfil its governance and oversight responsibilities. The Local Government Act prescribes that the ARMC shall keep the following matters under review:

- 1.1. compliance,
- 1.2. risk management,
- 1.3. fraud control,
- 1.4. financial management,
- 1.5. governance,
- 1.6. implementation of the strategic plan, delivery program and strategies,
- 1.7. service reviews,
- 1.8. collection of performance measurement data by the council,
- 1.9. any other matters prescribed by the regulations

In addition, the ARMC shall

1.10 provide information to the council for the purpose of improving the council's performance of its functions

1.11 In determining how much time to allocate to each element, the ARMC should consider all the directions contained in this charter. The primary duties and responsibilities of the ARMC are to assist the Council to discharge its responsibilities relating to:

- 1.11.a Financial reporting process
- 1.11.b Business ethics, policies and practices
- 1.11.c Management and internal controls
- 1.11.d Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance
- 1.11.e Reviewing internal controls, key corporate risks and all audit related matters
- 1.11.f Encouraging continuous improvement of Council's systems and practices
- 1.11.g Adoption of the Internal Audit Plan
- 1.11.h The Council's process for monitoring compliance (as detailed at 8.3.6).

2 Authority

- 2.1. The ARMC is delegated authority by Council to carry out its duties and responsibilities as defined in this charter. The ARMC has delegated authority to approve investigations into any matters within its scope of responsibility. It is empowered to:
 - 2.1.(a) Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).
 - 2.1.(b) Pre-approve all auditing and non-audit services.

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APPENDIX NO: 1 - ARMC CHARTER

- 2.1.(c) After due consultation with the Chief Executive Officer, retain independent counsel, accountants, or others to advise the Committee or assist in the conduct of an investigation.
- 2.1.(d) Meet with Council management, external auditors, or outside counsel, as necessary.

This authority relates purely to the collection of information, consideration of the information and the provision of that information to Council along with the conclusions the committee has made. In regard to the operations audited, the ARMC provides advice and has no delegation to issue directions.

- 2.2. Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective ARMC. The Council and Chief Executive Officer are therefore committed to uphold and guarantee the professional independence and objectivity of the ARMC.
- 2.3. The Committee will also review any other matters as prescribed by the Regulations from time to time.

3 Composition

- 3.1. All appointments to the ARMC shall be made by Council.
- 3.2. The ARMC will consist of:
 - 3.2.(a) Core Members (voting)
 - One Councillor (or an alternate Councillor to be determined by Council)
 - Two independent external members (not members of Council and one to be Chairperson)
 - 3.2.(b) Attendee (non-voting)
 - Mayor
 - Chief Executive Officer
 - Internal Auditor
 - Director Organisational Performance
 - 3.2.(c) Invitees (non-voting)
 - Representatives of the external auditor (as required)
 - Chief Financial Officer
 - Executive Manager Governance and Internal Control
 - Other officers of Council as requested by the ARMC, Mayor and/or by the Chief Executive Officer
- 3.3. In order to maintain independence and in compliance with Office of Local Government guidlines, one of the independent members shall be the chairperson. The Council will determine which independent member shall be the chairperson. If the Council does not appoint a chairperson, the ARMC shall elect one of the independent members as its chairperson.
- 3.4. The selection of independent members should be undertaken in a transparent and unbiased manner. This could include calling for expressions of interest from interested persons.

- 4 Tenure
 - 4.1. The term of office for an ARMC member shall end on the earlier of:
 - (a) the day on which the member resigns from the ARMC
 - (b) in the case of a Councillor, the day on which the Councillor ceases to be a Councillor for the Dubbo Regional Council.
 - (c) two years in respect of the independent external members or such other term as determined by Council.
 - (d) the day on which the member's appointment is legally terminated by Council.
 - (e) the day on which the member is incapacitated by law from holding such office.
 - 4.2. Members are encouraged reapply for membership at the end of each appointed term and to plan for an orderly rotation of members so that experienced members will always be serving. The ARMC may make recommendations to Council on membership.
 - 4.3. In any event, the appointment of each member of the ARMC will be reviewed at the end of the first year and confirmed for the remaining period subject to satisfactory performance as determined by Council. A member may be eligible for re-appointment to the Committee for a continuous period not exceeding eight (8) years.
 - 4.4. In considering new independent members for the ARMC, selection shall be influenced by:
 - (a) Industry standards for similar committees, particularly relating to the appointment of independents to ARMC's.
 - (b) Any guidelines issued by the NSW Government concerning Local Government ARMC's.
 - (c) The attributes and experience of candidates who respond to Expressions of Interest advertisements for Independent Members.
 - (d) At least one voting member shall have accounting or related financial management expertise and experience, with understanding of accounting and auditing standards in a public sector environment.
 - (e) The members, taken collectively shall have a broad range of skills and experience relevant to Local Government.
 - 4.5. The independent members and community representative on the ARMC should be remunerated for attending committee meetings. The remuneration shall be as adopted by Council.
 - 4.6. Committee members will receive relevant information and briefings to assist them to meet their Committee responsibilities. A member of the Committee may, with the approval of the Chief Executive Officer, attend appropriate seminars or training in respect to issues related to the function and responsibilities of the Committee.

5 Remuneration

- 5.1. The remuneration for core voting members (excluding Councillors) shall be reviewed by the Chief Executive Officer prior to the commencement of the members two year term of office.
- 5.2. The remuneration of core voting members (excluding Councillors) may be reviewed at any time by Council.
- 5.3. Core voting members should provide a tax invoice to Council within fourteen (14) days of the respective meeting.

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6 Meetings & Quorum

- 6.1. The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
- 6.2. A quorum shall not exist unless a majority of voting members are present.
- 6.3. Members of the ARMC are generally expected to attend each meeting, in person or via tele or video-conference, with the approval of the Committee Chairperson.
- 6.4. The ARMC will invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary.
- 6.5. The Committee may hold private meetings with auditors (see below) and executive sessions.
- 6.6. A meeting agenda will be provided in advance to members, along with appropriate briefing materials.
- 6.7. The Chairperson shall determine the agenda for the ARMC in conjunction with Council staff.
- 6.8. Minutes will be prepared and distributed to the ARMC members and shall be provided to the next Ordinary meeting of the Council for information.
- 6.9. Meetings are to be rescheduled if there is not a quorum. The Council's Internal Auditor (or if unavailable, another Council officer) will minute proceedings of all meetings.
- 6.10. The chairperson shall endeavour to conduct meetings on a "consensus basis" but formal voting on recommendations shall be required. Each member shall have one vote and a majority of those present shall be required to pass a recommendation. If the vote is tied the motion is taken to be lost. The meetings should operate as far as is practical in accordance with the Council's Code of Meeting Practice.
- 6.11. All Committee members shall make an annual declaration of interests. The declaration shall be in the format determined by the Chief Executive Officer and based on the standard Local Government Pecuniary Interests Return.
- 6.12. Committee members shall declare any conflicts of interests at the start of each meeting or during the meeting before discussion of the relevant agenda item or topic. Details of any conflicts of interests are to be appropriately minuted.

7 Confidentiality

7.1 The ARMC will ensure that Committee members comply with all relevant laws and Council's policies regarding confidentiality, privacy and reporting. Committee members shall treat all information received as part of the Committee as confidential and only disclose the content to third parties with the consent of other members of the Committee.

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Responsibilities

- 8.1 The ARMC has no executive powers, except those expressly provided by Council.
- 8.2 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and Chief Executive Officer (refered to as the "General Manager" in the Local Government Act 1993). The Council and Chief Executive Officer shall ensure that reasonable resources are allocated to providing the ARMC with the information it needs to discharge its responsibilities.
- 8.3 The responsibilities of the ARMC may be revised or expanded by Council from time to time. The Committee will carry out the following responsibilities:

8.3.1 Financial Statements

- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements. The ARMC can add value for Councillors and the process by reviewing the audit objectives, timeline and process, settlement of identified issues and the independence of the External Auditor. This would be done in consultation with the External Auditor, Internal Auditor and management.
- Based on the Audit Objectives, review with management and the External Auditors the results of the audit, timeline and process, settlement of identified issues and the independence of the External Auditor. Review the process of the audit, identify unresolved issues.
- Review the audited annual financial statements and consider whether they are complete, consistent with information known to Committee members, and reflect appropriate accounting principles. Without having conducted its own assessment the ARMC will need to rely on the work Internal Auditor, External Auditor and management representations. Therefore any recommendation to the Council would be based on the external auditor's management letter and made under a disclaimer that identifies things such as the audit process, access to records, auditor appears to be suitably qualified, had sufficient time to complete, items identified have been resolved to their satisfaction.
- As part of the External Auditor's presentation and management representations, review with management and the external Auditors all matters required to be communicated to the Committee under generally accepted auditing Standards.
- Understand how management develops interim financial information, and the nature and extent of internal and external auditor involvement.

8.3.2 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on its control environment and insurance arrangements.
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

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- Consider the adequacy and effectiveness of the Council's internal control system, incorporating the:
 - reliability and integrity of financial and operational information systems, including information technology security and control
 - effectiveness and efficiency of operations
 - safeguarding of assets
 - compliance with contracts, laws and regulations
 - governance framework
- Understand the scope of internal auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.

8.3.4 Internal Audit

- Review and recommend approval of the Internal Audit Activity Charter, activities, and staffing, and organizational structure of the internal audit function; and any subsequent changes.
- Have final authority to review and approve the annual audit plan and all major changes to the plan.
- Ensure there are no unjustified restrictions or limitations to the activities of internal audit.
- Review the effectiveness of the internal audit function and objectives, including compliance with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

8.3.5 External Audit

- Establish that an appropriate process is in place to give assurance that the Council complies with the Local Government Act requirements for financial reporting and auditing.
- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit.
- In accordance with the provisions of section 422-427 of the Local Government Act 1993, support the Chief Executive Officer in reviewing the performance of the external auditors.
- Review management's responses to the recommendations in the external auditor's management letter.
- On a regular basis, meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately.

8.3.6 Compliance

- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies
- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
- •
- Review the findings of any examinations by regulatory agencies, and any auditor observations.
- Review the process for communicating the code of conduct to Council personnel.

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- Liaise with the Chief Executive Officer to obtain regular updates from management and Council legal counsel regarding compliance matters.
- Review other sections of the annual report and related regulatory filings before release and consider the accuracy and completeness of the information.

8.3.7 Reporting Responsibilities

- Regularly report to the Council about Committee activities, issues, and related recommendations.
- Provide an open avenue of communication between internal audit, the external auditors, and the Council.
- Report annually to the Council, describing the Committee's composition, responsibilities and how they were discharged, and any other information required by law, including non-audit services.
- Review any other reports the Council issues that relate to Committee responsibilities.

8.3.8 Other Responsibilities

- Perform other activities related to this Charter as requested by the Council.
- Institute and oversee special investigations as needed.
- Review and assess the adequacy of the ARMC Charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation.
- Confirm annually that all responsibilities outlined in this Charter have been carried out.
- Evaluate the Committee's and individual members' performance on a regular basis.

8.3.9 Individual Responsibilities of Chairperson

- Performing the responsibilities of chairperson for each meeting of the Audit and Risk Management Committee
- Development and presentation of an annual report by 30 June each year
- Participate in the annual review of the Internal Auditor, as requested by the Chief Executive Officer
- Undertake all other responsibilities of regular members of the Audit and Risk Management Committee as specified in 8.3.10 of this charter.

8.3.10 Individual Responsibilities of Members

Members of the ARMC are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Dubbo Regional Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.
- Declare any conflicts of interest before participating in deliberations on the issue where the conflict of interest exists.

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• Attend an induction meeting at which they receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

All members are accountable to ensure that they abide by the Dubbo Regional Council Code of Conduct at all times.

Review

- 9.1 The Audit and Risk Management Committee Charter shall be reviewed as required with any proposed changes being sent to Council for consideration. Pursuant to s23A of the Local Government Act, the Council shall be advised whether any proposed change is in accord with the recommendations of the Office of Local Government or not.
- 9.2 At the end of each term of independent members the Chief Executive Officer shall arrange a review the Charter advise the Council of any recommended changes.
- 9.3 At a frequency determined by the Audit and Risk Management Committee, and at least once every two years, the ARMC, in consultation with the Chief Executive Officer, will review this Audit and Risk Management Committee Charter.

| Version Control | | Date of change |
|--------------------|----------------------------------|---|
| Version 1 | ED17/89877 | Prepared August 2017 |
| Version 2 | | Updated February 2018 |
| Version 3 | ED18/36710 | Adopted 19 March 2018 (Clause EDBC18/17) |
| Version 4 | ED20/97065 | Adopted 27/07/20 |
| Version 5 | ED22/7970 pdf ED22/31237 word | Adopted 24/02/2022 |

February 2022

Office of Local Government

Circular to Councils

| Circular Details | Circular No 22-21 / Date 20 July 2022 / A824754 |
|----------------------|--|
| Previous Circular | 21-26 New risk management and internal audit framework for councils and joint organisations |
| Who should read this | General Managers / Councillors / Council governance staff / Audit, risk and improvement committee members and internal audit personnel |
| Contact | Council Governance Team / (02) 4428 4100 / olg@olg.nsw.gov.au |
| Action required | Information |

Update on membership requirements for audit, risk and improvement committees

What's new or changing

- Following recent discussions, the Office of Local Government (OLG) and NSW Treasury have agreed that the NSW Government's Prequalification Scheme for Audit and Risk Committee Chairs and Members will not be suitable for use by councils and joint organisations.
- OLG's draft *Guidelines for Risk Management and Internal Audit for Local Councils in NSW*, issued for consultation last year, contemplated that from June 2027 councils and joint organisations would be required to appoint Audit, Risk and Improvement Committee (ARIC) chairs and a prescribed number of ARIC members from the NSW Government prequalification scheme. Following discussions with NSW Treasury, OLG has taken the opportunity revisit this requirement, delaying the finalisation of the Guidelines.
- While OLG anticipates that this delay will not be significant, it recognises the need to give councils and joint organisations certainty, particularly given that some are currently in the process of establishing an ARIC for the first time and appointing chairs and members. The proposed new requirements for ARIC membership have therefore been set out in the attachment to this circular.

What this will mean for your council

- Under the new requirements, all councils (including county councils) and joint organisations will be required, at a minimum, to have an ARIC that comprises of the following:
- one independent chair who meets the independence and eligibility criteria for an ARIC chair, and
- at least two independent members who meet the independence and eligibility criteria for ARIC members – councils may appoint additional independent members should they choose to do so.
- Councils will also have the option of appointing one non-voting councillor member to their ARIC who meets the eligibility criteria for councillor members.
- The proposed independence and eligibility criteria for ARIC chairs and independent members and the proposed eligibility criteria for councillor members of ARICs are set out in the attachment to this circular.
- The above requirements will apply to <u>all</u> councils and joint organisations. The removal of the requirement for ARIC chairs and a prescribed number of ARIC

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T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209 E olg@olg.nsw.gov.au www.olg.nsw.gov.au ABN 20 770 707 468 members to be appointed from the NSW Government prequalification scheme based on which tier a council is in, means that it is no longer necessary to place councils in tiers and these arrangements will no longer apply.

 Given that councils and joint organisations will no longer be required to appoint ARIC chairs and members from the NSW Government prequalification scheme, the timeframe for compliance with the ARIC membership requirements in the Guidelines will be brought forward to 1 July 2024. As of that date all councils and joint organisations will be required to ensure ARIC chairs and members meet the eligibility and independence requirements set out in the Guidelines and have a risk management framework and internal audit function that complies with the Guidelines.

Key points

- Under the Local Government Act 1993, all councils (including county councils) and joint organisations are required to have an ARIC or to have entered into an arrangement with another council or joint organisation to share an ARIC from 4 June 2022.
- OLG recognises that some councils and joint organisations may have faced challenges in establishing an ARIC or shared arrangements for an ARIC ahead of the 4 June deadline and is prepared to accommodate some flexibility in implementation timeframes provided they can demonstrate that they are actively taking steps to appoint or share an ARIC.
- The Guidelines will be finalised soon. Full compliance with the requirements in the Guidelines will be required from **1 July 2024**.

Where to go for further information

- The proposed independence and eligibility criteria for ARIC chairs and independent members and the proposed eligibility criteria for councillor members are set out in the attachment to this circular.
- The draft <u>Guidelines for Risk Management and Internal Audit for Local Councils</u> <u>in NSW</u> provides further guidance on the proposed requirements for ARICs, the risk management framework and internal audit function. As noted above, the proposed requirement in the draft Guidelines to use the NSW Government pregualification scheme and the tiering arrangements will no longer apply.
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at <u>olg@olg.nsw.gov.au</u>.
- If councils or joint organisations require assistance in establishing an ARIC or shared arrangements for an ARIC, they should contact their Council Engagement Manager at OLG.

Liz Moore A/Deputy Secretary, Crown Lands and Local Government

Office of Local Government 5 O'Keefe Avenue NOWRA NSW 2541 Locked Bag 3015 NOWRA NSW 2541 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209 E olg@olg.nsw.gov.au www.olg.nsw.gov.au ABN 20 770 707 468



Attachment

The following requirements will apply to ARIC chairs and members from 1 July 2024.

1. Independence requirements for ARIC chairs and independent members

All ARIC chairs and independent members must be independent to ensure they have no real or perceived bias or conflicts of interest that may interfere with their ability to act independently and can provide the council with robust, objective, and unbiased advice about how the council is functioning.

ARIC chairs and independent members cannot:

- \rightarrow currently be a councillor of any NSW council
- \rightarrow be a non-voting representative of the board of a joint organisation
- \rightarrow be a candidate at the last election of the council
- \rightarrow be a person who has held office in the council during its previous term
- → be currently employed by the council or joint organisation, or been employed during the last 12 months
- \rightarrow conduct audits of the council on behalf of the Audit Office of NSW
- → have a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest
- → currently, or within the last three years, provided any material goods or services (including consultancy, legal, internal audit, and advisory services) to the council which directly affect subjects or issues considered by the ARIC
- → be (or have a close family member who is) a substantial shareholder, owner, officer, or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest, or
- → currently or have previously acted as an advocate of a material interest on behalf of the council or a related entity which could be considered a real or perceived conflict of interest.

Current staff of councils cannot serve as the chair of an ARIC but may serve as an independent member of another council's ARIC provided they meet the independence and eligibility criteria for membership of the council's ARIC and their employer is not participating in a shared arrangement with the other council in relation to the ARIC or the internal audit function.

2. Eligibility requirements for ARIC chairs and members

The persons appointed as a chair or a member of an ARIC must possess the skills, knowledge, and experience necessary to undertake their roles on the ARIC effectively and to ensure the ARIC is able to operate appropriately and effectively to support the council.

The following eligibility criteria for ARIC chairs and members reflects the minimum standards persons must meet to be appointed as the chair or member of a council's ARIC. Councils may require ARIC chairs and members to satisfy more onerous eligibility criteria if they choose to do so.

Eligibility requirements for ARIC Chairs

In addition to meeting the independence requirements set out above, the following eligibility criteria apply to the chair of an ARIC.



Essential criteria

ARIC chairs must demonstrate the following:

- → leadership qualities and the ability to promote effective working relationships in complex organisations
- → an ability to communicate complex and sensitive assessments in a tactful manner to the head of the council's internal audit function, senior management and the mayor and councillors
- \rightarrow a sound understanding of:
 - the principles of good organisational governance and capacity to understand local government accountability, including financial reporting
 - \circ the business of the council or the environment in which it operates
 - internal audit operations, including selection and review of the head of the council's internal audit function, and
 - o risk management principles
- → extensive senior level experience in governance and management of complex organisations, an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- → functional knowledge in areas such as risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- → a capacity to form independent judgements and a willingness to constructively challenge/question management practices and information, and
- → a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of the chair of an ARIC.

Desirable criteria

→ possession of a relevant professional qualification or membership (e.g., Institute of Internal Auditors (IIA), CPA Australia (CPA) and Chartered Accountants Australia and New Zealand (CA)) is desirable.

Eligibility requirements for ARIC independent members

In addition to meeting the independence requirements set out above, the following eligibility criteria apply to ARIC independent members:

Essential criteria

ARIC independent members must demonstrate the following:

- → an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- → functional knowledge in areas such as risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- → a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- → a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of an independent member of an ARIC, and



→ preparedness to undertake any training on the operation of ARICs recommended by the chair based on their assessment of the skills, knowledge and experience of the independent member.

Desirable criteria

Ideally, independent members of ARICs should also meet the following criteria, but these are not essential:

- $\rightarrow\,$ extensive senior level experience in governance and management of complex organisations, and
- → possession of a relevant professional qualification or membership (e.g., Institute of Internal Auditors (IIA), CPA Australia (CPA) and Chartered Accountants Australia and New Zealand (CA)).

Eligibility requirements for non-voting councillor members of ARICs

A councillor must demonstrate the following to be appointed as a non-voting ARIC member:

- → an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- → a good understanding of one or more of the following: risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- → a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- → a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of an ARIC, and
- → preparedness to undertake any training on the operation of ARICs recommended by the chair based on their assessment of the skills, knowledge and experience of the councillor member.

Note: The mayor cannot be appointed as a councillor member on a council's ARIC.

3. Appointment of ARICs

When selecting ARIC members, councils should ensure the ARIC has an appropriate mix of skills, knowledge and experience to successfully implement its terms of reference and add value. An ARIC should have:

- → at least one member with financial expertise (for example, a qualified accountant or auditor or other financial professional with experience of financial and accounting matters), and
- → a mix of skills and experience in:
 - business
 - o financial and legal compliance
 - risk management
 - o internal audit, and
 - any specialised business operations of the council, where the ARIC would benefit from having a member with skills or experience in this area.

All ARIC members should have sufficient understanding of the council's financial reporting responsibilities to be able to contribute to the ARIC's consideration of the annual financial statements.



Each ARIC member should also have sufficient time to devote to their responsibilities.

Where possible, councils should ensure that at least one other ARIC member is also qualified to act as the chair if this is ever required.

Note: Councils must undertake a criminal record and financial status (bankruptcy) check of ARIC chairs and members before their appointment.



REPORT: 2021/2022 Delivery Program and Operational Plan - Progress Report -January to June 2022

DIVISION:Development and EnvironmentREPORT DATE:12 August 2022TRIM REFERENCE:ID22/1424

| Purpose | Provide review | vor update Fulfil legislated requirement | | |
|---------------------|--|--|--|--|
| Issue | This rep 2021/20 January f The Chie updates with the 87.3% c tracking tracking cancelled | This report details Council's progress on implementing the 2021/2022 Delivery Program and Operational Plan from January to June 2022. The Chief Executive Officer is required to provide progress updates to Council at least every six months in accordance with the Local Government act 1993. 87.3% of actions are completed, 10.2% of actions are tracking to meet the target result, 1.2% of actions are not tracking due to an issue, and 1.2% of actions are cancelled/deferred. This information will be included in the Annual Report. | | |
| Reasoning | The Local Government Act 1993 | | | |
| | The Integ | grated Planning and Reporting Guidelines | | |
| Financial | Budget Area There are no financial implications arising from this | | | |
| Implications | report | | | |
| Policy Implications | Policy Title | There are no policy implications arising from this | | |
| | | report | | |

EXECUTIVE SUMMARY

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 4 Leadership |
|----------------------------|--|
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance |
| Delivery Program Strategy: | 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner |

RECOMMENDATION

That the 2021/2022 Delivery Program and Operational Plan Progress Report – January to June 2022 (attached in Appendix 1) be noted.

Natasha Comber Director Strategy, Partnerships and Engagement TH Team Leader Growth Planning Projects

BACKGROUND

Previous Resolutions of Council

| 28 June 2021 | In part |
|---------------|---|
| | 3. That the 2021/2022 Delivery Program and Operational Planbe |
| | adopted and commence operation on 1 July 2021. |
| 24 March 2022 | That the 2021/2022 Delivery Program and Operational Plan Progress |
| | Report – July to December 2021 (attached in Appendix 1) be noted. |

REPORT

Delivery Program and Operational Plan

The 2021/2022 Delivery Program and Operational Plan contains 322 actions which have been separated into the following five themes:

- Housing (31 actions);
- Infrastructure (58 actions);
- Economy (58 actions);
- Community Leadership (57 actions); and
- Liveability (118 actions).

Each action has been allocated to a Directorate who is accountable for its progress. The Directorate is required to assess the status of the action in accordance with **Figure 1**.

| Status Option | Definition | Legend |
|--------------------|---|--------|
| Completed | Action completed for the year and there will be no further resources needed to deliver it | |
| Tracking | Action underway and is progressing as planned | |
| Not tracking | There is an issue that has delayed progress with this action, or it has not started due to an issue | |
| Cancelled/deferred | Action will not happen this year | |

Figure 1: Description of status options

Figure 2 and the attached report (**Appendix 1**) detail Council's progress for the period of July to December 2021. The following progress has been made:

- 87.3% of actions are completed (up from 13% in the last progress report);
- 10.2% of actions are tracking to meet the target result (down from 83% in the last progress report);
- 1.2% of actions are not tracking due to an issue (up from 0.9% in the last progress report);
- 0% actions are not due to start (down from 2.2% in the last progress report);
- 1.2% of actions are cancelled/deferred (up from 0.6% in the last progress report).

ORDINARY COUNCIL MEETING 25 AUGUST 2022

CCL22/211

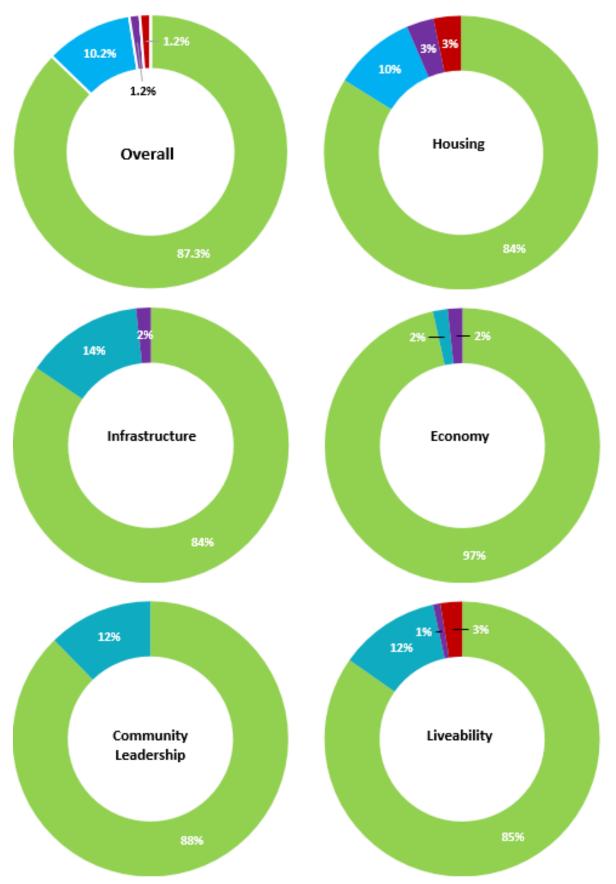


Figure 2: Status of actions: CSP Theme

Consultation

Consultation has occurred internally with each Directorate to ensure actions have been updated appropriately.

Resourcing Implications

There are no financial or policy implications arising from this report as it is for information purposes only.

Next Steps

A further report incorporating the 2021/2022 Annual Report will be presented to Council for endorsement and a copy of the six monthly progress report will be placed on the website.

APPENDICES:

1. 2021/2022 Delivery Program and Operational Plan Progress Report - January to June 2022

ITEM NO: CCL22/211



Progress Report – January to June 2022

How to read this report:

This heading is a key theme of the 2040 Community Strategic Plan

This heading is the 2040 Community Strategic Plan objective

| Code | 4 Year Focus | 1 Year Focus | Status | Responsible Directorate |
|--|---|---|--|---|
| This is the reference number in the Delivery Program | This is the description of the strategy as it appears in the Delivery Program | This is the description of the action as it appears in the Operational Plan | A traffic light is provided to show the status of the action | This is the Council division who is responsible for this action |

| Status Option | Definition | Legend |
|--|---|--------|
| Completed | Completed Action completed for the year and there will be no further resources needed to deliver it | |
| Tracking Action underway and is progressing as planned | | |
| Not tracking | There is an issue that has delayed progress with this action, or it has not started due to an issue | |
| Cancelled/deferred | Action will not happen this year | |

Theme 1: Housing

1.1: Residential housing opportunity meets the current and projected needs of our community

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|---|--------|--------------------------------|
| 1.1.1 | A variety of residential housing types is located close to appropriate services and facilities | Planning provisions are implemented to ensure adequate supply and choice is available | | Development and Environment |
| | Services and racinges | Applications for residential housing development are assessed in a timely manner | | Development and Environment |
| | | Issues impacting housing affordability in Dubbo and Wellington are monitored | | Development and Environment |
| 1.1.2 | Residential accommodation is designed to meet the needs of our ageing population | Advocate to government for a review of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to reflect the changing needs of an ageing population | | Development and Environment |
| | | Land use strategies identify land for seniors housing | | Development and Environment |
| 1.1.3 | Urban renewal is encouraged in the Dubbo Central Business District to provide a variety of housing choice that makes efficient use of existing infrastructure and facilities | Planning controls are constantly reviewed to ensure residential development is promoted in the Dubbo CBD | | Development and Environment |
| 1.1.4 | New public and social housing is integrated into existing residential | Advocate to state government to review State Environmental Planning Policy (Affordable Rental Housing) 2009 | | Development and Environment |
| | areas | Advocate to state government for the renewal of existing public and social housing stock | | Liveability |

1.2: Residential development is well-designed

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|--------------------------------|
| 1.2.1 | A high level of residential amenity is achieved in all new development | Urban design guidance is implemented that promotes and achieves well-designed development and neighbourhoods that include passive recreation opportunities | | Development and Environment |
| | | Residential development provides an appropriate level of residential amenity for adjoining and adjacent residents and ensures future occupants have an acceptable quality of life | | Development and Environment |
| 1.2.2 | The character and amenity of established residential areas is maintained and enhanced | Planning instruments include appropriate controls to manage the density of development, promote good quality development and the enhancement of neighbourhoods | | Development and Environment |
| 1.2.3 | New residential developments are designed in accordance with safer- by-design principles | Safer-by-design principles are incorporated into Council planning decisions | | Development and Environment |

1.3: Residential development opportunities are provided in the villages to facilitate rural lifestyle housing options

| Cod | le 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|------|--|---|--------|-----------------------------|
| 1.3. | Adequate land is available in the villages for development | Review the supply of open space for recreation in the villages | | Liveability |
| | | An Issues Paper is prepared to guide the future strategic direction of the villages | | Development and Environment |

1.4: An adequate supply of land is maintained close to established community services and facilities

| Coc | e 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|-----------------------------|
| 1.4.′ | zoned to meet a variety of residential development opportunity A stri | A land supply pipeline is maintained and monitored regularly | | Development and Environment |
| | | A structure plan is prepared for land within the North-West and South-West Residential Urban Release Area | | Development and Environment |

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| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--|
| 1.4.2 | Planning instruments and policies reflect the intent and direction of | A rural land use strategy is prepared for the former Wellington Local Government Area | | Development and Environment Development and Environment Development and Environment Development and Environment Development and Environment |
| | adopted land use strategies and facilitate sustainable development | The comprehensive Local Environmental Plan is finalised in accordance with legislative requirements | | |
| | | A district land use strategy is prepared for Brocklehurst | | |
| 1.4.3 | Residential and other development is supported by the provision of a | A Developer Contributions System is developed and maintained for the Dubbo Regional Local Government Area | | Environment Development and Environment Development and Environment Development and |
| | strategic and affordable infrastructure framework | Requests to enter into Planning Agreements are considered by Council for infrastructure and included in the Developer Contributions System | | |
| 1.4.4 | Residential development does not impact the agricultural production | Rural development strategies are implemented and monitored | | Development and Environment |
| | potential of rural land | Planning controls include provisions to manage rural land use conflict | | Development and Environment |

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

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|-----------------------------|
| 1.5.1 | The design of neighbourhoods reflects the form and function and | Planning controls include the provision of a minimum Internal Connectivity Index to promote access and connectivity within new estates and neighbourhoods | | Development and Environment |
| | promotes connectivity and social cohesion | Neighbourhood and subdivision design guidelines are developed and included in the Development Control Plans | | Development and Environment |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--------------------------------|
| 1.6.1 | Short-term and visitor accommodation is provided to support existing business, industry | A review of short-term and visitor accommodation needs is undertaken on a regular basis | | Development and Environment |
| | and tourist activities | Monitor government response to emerging visitor/short term accommodation trends such as Airbnb, Stayz and free camping | | Development and Environment |
| 1.6.2 | Short-term accommodation associated with significant infrastructure and other projects is planned in existing urban areas | Planning instruments are suitably amended to include controls for short term accommodation in residential areas | | Development and Environment |
| 1.6.3 | Short term crisis/emergency accommodation is available to support the needs of the community | Monitor government response to crisis/temporary accommodation demands | | Liveability |

1.7: The importance of the local development industry to the continued residential growth and development of the Local Government Area is recognised

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|-----------------------------|
| 1.7.1 | The local residential development industry is recognised as a key | Requests for site-specific planning controls are processed in accordance with legislative requirements | | Development and Environment |
| | driver of the local economy | Regular engagement programs are undertaken with development industry stakeholders on building and development issues, emerging legislative changes and ongoing service requirements and expectations of the industry | | Development and Environment |

Theme 2: Infrastructure

2.1. : Opportunities for use of renewable energy are increased

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|--------------------------------|
| 2.1.1 | Investment in renewable energy opportunities are encouraged and supported | Advocate to government to review state planning controls to promote renewable energy development | | Development and Environment |
| | Supported | Renewable energy opportunities are planned for in Council land use strategies | | Development and Environment |
| 2.1.2 | Street lighting is provided in accordance with required standards and is cost effective and | Review sustainability performance report on a six monthly basis to benchmark street lighting in the Local Government Area | | Infrastructure |
| | energy efficient | Develop and implement appropriate policies to ensure all new developments and future street lighting upgrades adopt LED technology | | Infrastructure |
| 2.1.3 | Council buildings and facilities are energy efficient and welcome | Opportunities for energy efficiency and renewable energy use for Council buildings and facilities are investigated and implemented where appropriate | | Organisational Performance |
| | opportunities for renewable energy supply | The energy performance of Council buildings and facilities, where monitored via Council's energy management tool, is regularly reported | | Development and Environment |
| | | Council develops and implements a policy which sets energy efficient benchmarks in the design and construction of major capital works and building projects | | Development and Environment |
| | | Council implements practices to optimize fleet performance and reduce fuel use and greenhouse gas emissions | | Infrastructure |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|----------------------------|
| 2.2.1 | Council promotes a high level of road safety to users | The road safety strategy is implemented for the Local Government Area in conjunction with Roads and Maritime Services | | Infrastructure |
| | | An annual road safety action plan is prepared and implemented for the Local Government Area | | Infrastructure |
| 2.2.2 | Council provides traffic management facilities to enhance the safety and efficiency of the road | Existing traffic management facilities are maintained in a safe and effective operational condition | | Infrastructure |
| | transport network | The need for additional traffic management facilities is established and an ongoing program is prepared and implemented for these facilities | | Infrastructure |
| 2.2.3 | Council's road network meets the transport needs of users in terms of traffic capacity, functionality and | A rolling village road sealing program is implemented | | Infrastructure |
| | economic and social connectivity | A rural road sealing program is investigated and implemented | | Infrastructure |
| | | Council's Roads Asset Management Plan is maintained and updated to inform future road programs | | Infrastructure |
| | | Opportunities for additional funding of road projects is actively pursued through state and federal governments | | Infrastructure |
| 2.2.5 | Council works collaboratively with government and stakeholders on transport-related issues | An advocacy role with state and federal governments in relation to issues and truck configuration limitations on the Newell, Mitchell and Golden highways is undertaken | | Infrastructure |
| | | Advocate for the provision of additional overtaking lanes on the Mitchell Highway between Dubbo and Wellington | | Infrastructure |
| | | Work with rail authorities to ensure the safety and functionality of existing level crossings | | Infrastructure |

2.2. : Our road transportation network is safe, convenient and efficient

2.3.: Infrastructure meets the current and future needs of our community

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|--|--------|--------------------------------|
| 2.3.1 | Council's water and sewer infrastructure and services comply with appropriate regulations to | Advocate to government for Council to maintain its role as the water and sewer authority for the Local Government Area | | Infrastructure |
| | meet theneeds of the community and faciliate a future population of 100,000 | Water is supplied to customers in accordance with Council's adopted service levels | | Infrastructure |
| | 100,000 | Sewerage services are provided to customers in accordance with Council's adopted service levels | | Infrastructure |
| | | The Integrated Water Cycle Management Plan is updated and finalised in consultation with proponents | | Infrastructure |
| | | Further sustainable water sources are investigated to maintain growth and development of the Local Government Area | | Infrastructure |
| | | Water savings initiatives are encouraged and actively promoted to the community | | Infrastructure |
| | | Non-potable water supply is investigated for Stuart Town | | Infrastructure |
| | | The provision of sewerage services to unserviced villages is investigated | | Infrastructure |
| 2.3.2 | Council's solid waste management services comply with legislation and meet the current and future | Solid waste services are provided to customers in accordance with Council's adopted service levels | | Development and Environment |
| | | A solid waste strategy is prepared and adopted for the Local Government Area | | Development and Environment |
| | | A weekly organic waste service is implemented for Dubbo, Wellington, Wongarbon and Geurie | | Development and Environment |
| | | An ongoing waste minimisation education program is undertaken | | Development and Environment |
| | | A feasibility analysis of a recyclable material facility is prepared for the Whylandra Waste Facility | | Development and Environment |

| Code | 4 Year Focus | 1 Year Action | Responsible Directorate |
|-------|--|---|----------------------------|
| 2.3.3 | Council's urban drainage systems comply with legislation and meet | Council's urban drainage systems are safe and effective in managing stormwater in accordance with industry and Council-adopted service levels | Infrastructure |
| | the current and future needs of the community | The urban drainage network is developed and managed in an environmentally sustainable manner | Infrastructure |

2.4. : Our transportation networks are planned to accommodate future growth and development of the Local Government Area

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|---|--------|----------------------------|
| 2.4.1 | Transportation Strategies are developed for the Local Government Area that facilitates access throughout the region and ensures residential growth areas are well-connected to employment areas and services | The transportation network facilitates connection of Urban Release Areas in Dubbo across the Macquarie River and to employment opportunities and services | | Infrastructure |
| 2.4.2 | Community and business have convenient air access to a variety of destinations | A master plan is maintained and implemented for the Dubbo City Regional Airport | | Culture and Economy |
| | | Dubbo City Regional Airport operates as a compliant, innovative regional service | | Culture and Economy |
| | | Leases, licenses, fees and charges at Dubbo City Regional Airport and Wellington Aerodrome and Recreation Park are maintained in line with facility maintenance and long term development opportunities | | Culture and Economy |
| | | Council establishes and maintains partnerships to promote air travel and to support route viability and affordability | | Culture and Economy |
| | | A review is undertaken to support long term planning of the Wellington Aerodrome and Recreation Park | | Culture and Economy |
| 2.4.3 | Business and industry are supported through the provision of appropriate and well-connected | Facilitate information sharing, input and advocate for improvements in transportation networks on behalf of business and Industry | | Infrastructure |
| | road and rail infrastructure | Suitable heavy vehicle access to the Dubbo Regional Livestock Markets is developed and maintained in conjunction with industry stakeholders and users | | Culture and Economy |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|--------------------------------|
| 2.5.1 | State transportation infrastructure and services are maintained and enhanced | Council has ongoing input into the Transport for NSW Strategy 2056 and the associated subsidiary strategies | | Infrastructure |
| | emanceu | Advocate to the State government to improve access and timing for passenger train services to reach major destinations such as Sydney | | Infrastructure |
| 2.5.2 | Roadside environments and entrance statements are strategically developed and maintained | A Local Government Area town and village entrance plan is developed to beautify entrances to Dubbo, Wellington and the villages | | Liveability |
| 2.5.3 | A high level of pedestrian accessibility is provided | A 10 year program of footpath renewals and upgrades is developed and implemented to Council-adopted service levels | | Infrastructure |
| 2.5.4 | Additional flood-free road access over the Macquarie River at Dubbo is provided | Advocate to state government for the construction of an additional flood-free crossing of the Macquarie River in Dubbo | | Infrastructure |
| | | Options for an additional southern crossing of the Macquarie River in Dubbo are investigated | | Infrastructure |
| 2.5.5 | A network of cycleways and pedestrian facilities is provided and maintained | A 10 year cycleway network plan is implemented to Council's adopted service levels | | Infrastructure |
| | maintaineu | Planning controls include requirements for the provision of pedestrian and bicycle facilities | | Development and Environment |
| | | New developments provide for appropriate bicycle storage options | | Development and Environment |
| 2.5.6 | Adequate and convenient car parking is available in commercial centres | A review of planning instruments, including off-street vehicle parking requirements is undertaken | | Development and Environment |
| | Centres | Off-street parking facilities in the Dubbo Central Business District are promoted | | Infrastructure |

2.5. : Our diverse transportation system supports connections within and outside the region

APPENDIX NO: 1 - 2021/2022 DELIVERY PROGRAM AND OPERATIONAL PLAN PROGRESS REPORT - JANUARY TO JUNE 2022

ITEM NO: CCL22/211

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|---|--------|--------------------------------|
| 2.5.7 | Alternative modes of transport are encouraged | Planning controls contain provisions to encourage public transport facilities within specific development types | | Development and Environment |
| | | Planning controls contain provisions to encourage alternative modes of transport | | Development and Environment |
| | | The provision of electric vehicle charging stations is investigated along with opportunities to fund installation of these facilities | | Development and Environment |
| 2.5.8 | Non-private transport services are available in our villages | In collaboration with providers, the availability of non-private transport is encouraged through examination of government and other incentives | | Liveability |

2.6. : Community and business have access to the highest standard of telecommunications networks and facilities

| Cod | le 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|------|--|--|--------|----------------------------|
| 2.6. | 1 Enhanced telecommunications coverage is available throughout the Local Government Area | Council engages with government and providers to advocate the expeditious roll-out of enhanced telecommunications/data services | | Executive Services |

Theme 3: Economy

| 3.1. : Visitor economy growth is supported through product development, enhancement and strategic manage | ment |
|--|------|
| | |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|--|--------|----------------------------|
| 3.1.1 | Diverse and unique tourism opportunities are explored, developed and supported | Implementation of Local Government Actions in the Country and Outback Destination Management Plan are supported | | Culture and Economy |
| | | Support growth in Tourism Product offering through the business development of Council owned tourism related businesses and implementation of strategic business plans and masterplans | | Culture and Economy |
| 3.1.2 | Value and appeal to regional visitors is increased through packaging, trails and collaborative | Regional Events are encouraged to package accommodation and regional experiences in line event promotions and ticket bundles | | Culture and Economy |
| | campaigns | Regional Events are promoted on destination marketing platforms and in collaborative campaigns | | Culture and Economy |
| | | The Great Big Adventure Pass is promoted and supports level one partners and affiliates | | Culture and Economy |
| | | Regional Experiences collaborate to increase attraction of the education tourism market and establish industry partnerships where appropriate | | Culture and Economy |
| | | The \$12m Destination Dubbo International Ready Project is progressively delivered in accordance with approved budgets and timelines | | Culture and Economy |
| 3.1.3 | The performance of the visitor economy is monitored | Monthly tourism reports are developed measuring accommodation visitation | | Culture and Economy |
| | | Research is undertaken to identify risks and opportunities relating to the visitor experience in the region | | Culture and Economy |
| 3.1.4 | Visitor experiences in the Local Government Area are of high | Research is undertaken for the Old Dubbo Gaol to measure and act on visitor and user satisfaction | | Culture and Economy |
| | quality, relevance and value for visitors | An event development and support program is implemented, including event funding and industry network and training | | Culture and Economy |
| 3.1.5 | Events that provide for activities that foster cultural and recreational opportunities and community interaction are supported | The Event Attraction and Support Strategy is reviewed and implemented for the Local Government Area | | Culture and Economy |

3.2.: Employment opportunities are available in all sectors of our economy

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|---|--------|----------------------------|
| 3.2.1 | Employment opportunities for all sectors of the community that support economic growth are | Partnerships are developed and maintained to ensure our workforce has the appropriate skills and experience to meet industry requirements | | Culture and Economy |
| | fostered | Actively pursue and respond to opportunities for business and industry investment in the Local Government Area | | Culture and Economy |
| 3.2.2 | Traineeships and employment pathways are available for all sectors of the community | Advocate and support the employment of youth, Aboriginal, long-term unemployed and people with a disability in major public projects | | Culture and Economy |

3.3.: The opportunities and benefits of living, working and visiting the region are promoted

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|----------------------------|
| 3.3.1 | Marketing programs encourage new residents and skill attraction | Promotion of employment and lifestyle opportunities is undertaken for the Local Government Area | | Culture and Economy |
| 3.3.2 | Marketing initiatives include local industry collaboration through input, funding and delivery of promotional programs | A collaborative partnership program is delivered to promote the region in conjunction with industry stakeholders, Destination Network and Destination NSW | | Culture and Economy |

3.4. : A strong agricultural sector with a continuing capacity to be a significant contributor to the local, regional and national economy is encouraged

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|--|--------|--------------------------------|
| 3.4.1 | The growth and development of our agricultural sector to further diversify and increase value adding is supported | Value-add and associated opportunities for the agricultural sector are sought and supported as appropriate | | Culture and Economy |
| 3.4.2 | Capacity of the agricultural industry is supported through effective planning, investment attraction and | Planning instruments protect agricultural activities from encroachment by incompatible land use activities | | Development and Environment |
| | support | Transport infrastructure, including truck stops, are supported | | Development and Environment |
| | | The Dubbo Regional Livestock Markets are supported by long term strategic planning and asset investment | | Culture and Economy |

3.5. : The long-term economic growth of the Local Government Area is realised

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--------------------------------|
| 3.5.1 | Opportunity for long-term growth and investment across sectors and industry is leveraged | Strong partnerships are developed with diverse advisory groups, industry representatives and government agencies to encourage economic growth | | Culture and Economy |
| 3.5.2 | Opportunities and unique offerings in the Local Government Area are promoted | Strong partnerships are developed with major infrastructure and business investors to support establishment and workforce planning | | Culture and Economy |
| | promoted | Economic development advocacy and advice is provided | | Culture and Economy |
| | | General town planning advice is available to businesses and individuals in regards to land zoning, appropriateness of proposed sites and approval pathways | | Development and Environment |
| 3.5.3 | Government funding opportunities are strategically and proactively | Maximise government funding opportunities through in-house grant and data support | | Culture and Economy |
| | pursued | Support and advice is provided to industry and community groups seeking government funding | | Culture and Economy |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|----------------------------|
| 3.5.4 | New business and industry are established in the Local Government Area | Monitor and act on opportunities presented through major infrastructure projects to leverage business and supply chain opportunities | | Culture and Economy |
| 3.5.5 | Business and industry are encouraged to grow, diversify and upskill workers | Business development programs are supported and delivered if required in line with local business needs | | Culture and Economy |
| | | Skill and workforce development opportunities are coordinated, facilitated and promoted | | , |
| 3.5.6 | Investment in the Local Government Area as a driver of | 'Spend local' campaigns are undertaken | | Culture and Economy |
| | growth in the region is a key priority for government, industry and the local community | Positive local purchasing policies are implemented | | U |
| | | Regional industry businesses and capabilities are supported through connection with priority government projects and investment opportunities | | Culture and Economy |

3.6. : The Local Government Area is recognised as a leading regional centre in Australia through the development of a united and positive image of the region

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|----------------------------|
| 3.6.1 | Destination brands for Dubbo and Wellington are maintained and supported | Marketing activities are undertaken to proactively promote Dubbo and Wellington in the media, online and through Visitor Information Centres | | Culture and Economy |
| 3.6.2 | Progressive digital communications and e-commerce opportunities are explored and implemented to | An effective and responsive Council website, social media presence and digital broadcast channels are maintained to maximise the reach of Council's messaging and brand | | Executive Services |
| | improve economic outcomes | Engaging and responsive destination websites and social media channels are maintained for the region | | Culture and Economy |
| | | The Local Government Area is promoted effectively online via all digital communication platforms | | Culture and Economy |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--------------------------------|
| 3.7.1 | Economic development stakeholders are actively engaged in providing insight and ideas for economic development responses to opportunities and challenges | Key advisory groups and stakeholders relevant to encouraging economic development are actively consulted | | Culture and Economy |
| 3.7.2 | Strategic land use strategies establish a land use hierarchy for the location of employment | Review of the Wellington Town Strategy is commenced with the preparation of a constraints and opportunities paper | | Development and Environment |
| | generating activities | Investigate land use zoning and development controls for the Wellington Town Centre | | Development and Environment |
| 3.7.3 | Planning controls ensure adequate and suitable land is available for new development opportunities | Planning controls include a suitable suite of zones and provisions encouraging business and industry development | | Development and Environment |
| 3.7.4 | Neighbourhood shopping centres are located to provide attractive and convenient services and facilities to support new and established neighbourhoods without adversely impacting on the Dubbo Central Business District | Neighbourhood shopping centre enhancement plans are developed and implemented for the existing neighbourhood shopping centres in Myall Street, Tamworth Street, Boundary Road, Victoria Street and Bourke Street | | Infrastructure |
| 3.7.5 | The business activities of Council are an important sector of the local | An internal business plan for the Dubbo Regional Livestock Markets is implemented in line with the facility masterplan | | Culture and Economy |
| | economy and provide financial returns to the community | Strategic Plans and Internal Business Plans are developed, maintained and implemented as relevant for the Dubbo and Wellington Showgrounds | | Culture and Economy |
| | | Research is undertaken for the Dubbo Showground to measure and act on visitor and user satisfaction | | Culture and Economy |
| | | Opportunity for increased income streams for the Dubbo Showground are sought | | Culture and Economy |
| | | Leases and Licenses for the Dubbo Showground and Wellington Showground are reviewed and maintained with clear accountabilities for all parties | | Culture and Economy |
| | | Council retains ownership and facility management of Dubbo Regional Livestock Markets to appropriately support agriculture sector and deliver broader economic benefit to the region | | Culture and Economy |

3.7. : A strategic framework is in place to maximise the realisation of economic development opportunities for the region

| Code 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------------------|--|--------|-------------------------------|
| | Council provides leadership and input on regional, state and national saleyard industry strategic issues and opportunities | | Culture and Economy |
| | Monitor Council's land development activities and principle objectives | | Organisational Performance |
| | A residential development strategy and marketing strategy is prepared for Council-owned land in the Keswick Estate | | Organisational Performance |

3.8. : The Dubbo Central Business District and the Wellington Town Centre are strategically managed to promote occupation, activity and investment

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|--|--------|--------------------------------|
| 3.8.1 | The Dubbo Central Business District and the Wellington Town Centre are supported by | Night time economy growth is supported through planning and development approvals including Central Business District and Town Centre events | | Development and Environment |
| | commercial activation programs and activities | Central Business District and Town Centre spaces are used to connect the community through activities that support these centres | | Culture and Economy |
| | | Collaborative 'place-based' Central Business District and Town Centre marketing/activation programs are explored and implemented | | Culture and Economy |
| 3.8.2 | The Dubbo Central Business District and Wellington Town | Our competitive advantage and our competitive edge are actively promoted in the region and catchment areas of the Local Government Area | | Culture and Economy |
| | Centre planning, development and investment are supported by long-term plans | Landlords and business within the Central Business District and Town Centre are supported and encouraged to invest in infrastructure improvements to their properties | | Development and Environment |
| | | A Development Strategy for the Dubbo Central Business District is prepared and adopted | | Development and Environment |
| | | The Wellington Town Centre Plan is continually implemented and monitored | | Development and Environment |

Theme 4: Community Leadership

4.1. : Our community is active and engaged

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--------------------------------|
| 4.1.1 | There is demonstrated unity throughout the community | An annual report is provided to the community on Council's progress in the delivery of the 2040 Community Strategic Plan | | Development and Environment |

4.2. : Our civic leaders represent the community

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|--|--------|----------------------------|
| 4.2.1 | The community acknowledges that Dubbo Regional Council is a representative and responsive | A community survey is undertaken to determine community satisfaction levels of the elected Councillor's | | Executive Services |
| | Council | An induction training course is delivered to Councillors with information about the functions of Council and managing relationships with the community | | Executive Services |

4.3. : The resources of Council are appropriately managed

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|--|--------|--------------------------------|
| 4.3.1 | The organisation displays the elements of sound management and strategic planning | An Integrated Planning and Reporting Framework is maintained | | Development and Environment |
| | | Annual financial statements and other statutory reports and returns are completed as required | | Organisational Performance |
| | | An Operational Plan (including budget) review is undertaken by Council on a quarterly basis | | Organisational Performance |
| | | Update the Councillor's Notebook annually and incorporate any requirements under the Local Government Act or other legislation applicable to the elected representatives | | Executive Services |
| | | Provide funding to permit Councillors to undertake individual training programs | | Executive Services |
| | | Review the Asset Management Strategy and Corporate Asset Management plans | | Organisational Performance |

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| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|-------------------------------|
| | | Update Council's long term financial planning model annually | | Organisational Performance |
| | | Cost-effective supply, contract administration and procurement services are provided | | Organisational Performance |
| | | Pursue opportunities for strategic alliances and/or resource sharing with neighbouring councils | | Organisational Performance |
| | | Implement an annual strategic internal audit program | | Executive Services |
| | | Undertake a review of Council's building assets to determine the present and future needs and opportunities for these assets | | Organisational Performance |
| | | Cost-effective store services are provided | | Infrastructure |
| 4.3.2 | The system of raising revenue is regarded as equitable and revenue | An annual review of the Revenue Policy is undertaken | | Organisational Performance |
| | from grants and other income sources is maximised | Provide relevant information and reporting in regard to accessing grant funding | | Culture and Economy |
| | | Monitor the level of state and federal government grants payable to local government including Financial Assistance Grants and lodge submissions accordingly | | Organisational Performance |
| | | An annual review of the rating structure is undertaken | | Organisational Performance |
| | | Council funds are invested in accordance with legislative provisions and Council's adopted Investment Policy and Strategy | | Organisational Performance |
| | | Council business activities return dividends to minimise the reliance on rate income | | Executive Services |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--|
| 4.3.3 | Information management capabilities meet the requirements of the organisation and the community | An Information Services Strategy is prepared and maintained | | Organisational Performance |
| | organisation and the community | Information technology capability is kept up-to-date and is sufficient to meet business needs | | Organisational Performance |
| | | e-Based solutions for the submission of applications, payments, customer enquiries and other interactions with Council are developed and maintained | | Development and Environment |
| | | Corporate information is maintained in accordance with the State Records Act | | Organisational Performance |
| | | A comprehensive and accurate Geographical Information System is maintained | | Organisational Performance |
| | | An accurate Land Information System database is maintained | | Development and Environment |
| 4.3.4 | Council's ability and capacity to deliver services and respond to emergencies is enabled by the utilisation of a modern and efficient plant fleet that meets operational | The make-up of the fleet is reviewed to ensure operational requirements are being met in a cost-effective manner | | Infrastructure |
| | | An annual plant report is provided to the CEO | | Infrastructure |
| | needs | Monitor motor vehicle incidents involving Council vehicles and implement appropriate action as required | | Development and Environment Organisational Performance Organisational Performance Development and Environment Infrastructure |
| 4.3.5 | is an organisation that values two | Provide support to Council staff when implementing community consultation procedures in accordance with Council's Community Engagement and Communications Policy | | |
| | way communication with stakeholders and the broader community | A Community Engagement Strategy based on the principles of collective impact is implemented when undertaking engagement with the community | | |
| | | The adopted Social Media Policy is implemented by Council | | |
| | | A Community Needs Survey is conducted | | |
| | | Appropriate governance frameworks are in place | | |

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| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|-------------------------------|
| | | Ensure the values and reputation of Council are upheld through the delivery of clear guidelines for inward and outward sponsorship | | Executive Services |
| 4.3.6 | A corporate culture with an emphasis on quality customer service and community engagement is | A Customer Experience Strategy is implemented and monitored | | Organisational Performance |
| | demonstrated by Council | Business continuity plans are in place for the provision of Council services | | Executive Services |
| | | An annual Corporate Communications Strategy is prepared and adopted by Council | | Executive Services |
| | | An annual Internal Communications Strategy is prepared and maintained | | Executive Services |
| 4.3.7 | A highly skilled and motivated workforce is maintained | The corporate training program is implemented | | Executive Services |
| | | Establish a process to review contractor management across the organisation and develop a contractor safety compliance strategy | | Executive Services |
| | | Review position descriptions and amend accordingly based on the new capability framework | | Executive Services |
| | | A succession plan and program is developed and clear career pathways are identified for our people | | Executive Services |
| | | Explore solutions to manage employee engagement and feedback | | Executive Services |
| | | Review and standardise volunteer management practices | | Executive Services |
| | | Develop an overarching strategy that improves our leadership and safety capabilities across the organisation | | Executive Services |
| | | Develop a recognition program to reward our people | | Executive Services |
| | | Continue to build a culture of performance by enhancing our Performance Development frameworks and Pulse systems | | Executive Services |

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| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|--------------------------------|
| | | A new Equal Employment Opportunities Management Plan is developed to ensure we aim for cultural diversity and increase opportunities for minority groups across the organisation | | Executive Services |
| | | Develop strategies that complement the Employee Value Proposition and Employer Brand | | Executive Services |
| | | Develop an audit program that ensures workplace health and safety management systems are being implemented and enable the organisation to meet the requirements of the Work Health and Safety Act | | Executive Services |
| 4.3.8 | Council is financially sustainable and has the ability to maintain infrastructure and deliver services at the adopted service levels as agreed with the community | Initiatives are developed to respond to financial sustainability issues | | Organisational Performance |
| | | An annual assessment is undertaken to determine Council's current and future financial sustainability | | Organisational Performance |
| | | An Asset Management Strategy is adopted and implemented | | Development and Environment |
| | | Detailed Asset Management Plans are prepared and implemented for each of Council's asset classes | | Organisational Performance |

4.4.: Statutory requirements are met and services are provided to the organisation in a cost-effective and timely manner

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|--|--------|----------------------------|
| 4.4.1 | The organisation meets all statutory requirements | An up-to-date database of Council's statutory requirements is maintained | | Executive Services |

Theme 5: Liveability

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|----------------------------|
| 5.1.1 | Our towns and villages are sustainable and promoted for their range of lifestyle opportunity | Support is provided to village community groups to help them build capacity, deliver improved services and build social connection within the villages | | Liveability |
| 5.1.2 | The community participates in community/volunteer programs that build social connections and improve | Council supports community initiatives | | Liveability |
| | the amenity of our neighbourhoods | Council facilitates and enables the not-for-profit sector to provide volunteering opportunities for Council and a wide cross-section of the community | | Liveability |
| 5.1.3 | The City of Dubbo is recognised as being attractive and welcoming | The street tree maintenance guidelines are implemented to improve the quality of street appeal in the Dubbo region | | Liveability |

5.2.: The health of the community is maintained and enhanced

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|---|--------|--------------------------------|
| 5.2.1 | The health of the community is maintained through the availability of effective medical services and | Support and advocate to the Western NSW Local Health Network to attract general and specialist medical practitioners to be based in the Local Government Area and available to service the wider region | | Liveability |
| | Ad me Ad me Wo pre co | Advocate to government to ensure adequate resources are provided to maintain regional service levels at the Dubbo Base Hospital | | Liveability |
| | | Advocate to, facilitate and enable government and private sector investment to expand medical and allied health services in Dubbo | | Liveability |
| | | Advocate to, facilitate and enable government and private sector investment to expand medical and allied health services in Wellington | | Liveability |
| | | Work with stakeholders within the Dubbo Health, Education and Wellbeing Precinct to prepare individual master plans for their respective campus' to support continued coordinated growth of services and facilities | | Development and Environment |
| | | Advocate for, facilitate and support the completion and expansion of Macquarie Homestay | | Liveability |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|------|--|--|--------|----------------------------|
| | | Support government to undertake a review of mental health needs and facilities in the Local Government Area | | Liveability |
| | The needs of older people and people with a disability are monitored to ensure appropriate | Strategic plans are developed, formally adopted and utilised by Council when making decisions that may impact on older people, people with a disability and the Aboriginal community | | Liveability |
| | services and facilities are available in the region | Participate in interagency groups in respect of the needs of older people and people with a disability | | Liveability |

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

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|---|--------|----------------------------|
| 5.3.1 | The social services requirements of our community are met | Strategic plans are developed and maintained for the Local Government Area in regard to social services | | Liveability |
| | | Council actively participates in interagency groups in regard to social service issues in the Local Government Area and the region | | Liveability |
| | | Support is provided for the operations of the Dubbo and Wellington Neighbourhood centres and associated service providers | | Liveability |
| 5.3.2 | A variety of youth activities and entertainment is available | Youth development services are provided to support the identified needs of the community | | Liveability |
| | | The Youth Council is operated and appropriately resourced | | Liveability |
| | | Council's event support strategies ensure all demographics inclusive of youth are considered when engaging event promoters/organisers | | Culture and Economy |
| 5.3.3 | The health, education and socio economic status of the Aboriginal | Support government to deliver improved health facilities for Aboriginal persons in the Dubbo region | | Liveability |
| | community is improved | An Aboriginal liaison service is provided to support and assist the Aboriginal community | | Liveability |
| | | Council maintains positive working relationships with representative bodies such as the Aboriginal Working Party, traditional owners and Aboriginal Land Councils | | Liveability |

| Cod | e 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|----------------------------|
| 5.3.4 | People have access to a range of burial and interment options in the Local Government Area | Council provides and maintains cemetery facilities in Dubbo, Wellington, village and rural locations | | Liveability |
| | Local Government Area | Master plans are prepared and implemented for Council's cemetery facilities in Dubbo and Wellington | | Liveability |

5.4.: The community has access to a full range of educational opportunities

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|----------------------------|
| 5.4.1 | An expanded tertiary education offer is available that provides additional opportunities for education within the region | Advocate to government and private education providers for an expansion of tertiary course offerings in the Local Government Area | | Liveability |
| 5.4.2 | Access to a variety of high quality education facilities, opportunity and choice is available | Advocate to government to ensure high quality primary and secondary education is provided in the Local Government Area | | Liveability |
| | | Council support is provided to the collaborative marketing of Dubbo as a quality education location in the Central West and Orana regions | | Culture and Economy |
| 5.4.3 | Childcare, preschools and 'after hours' care meets the needs of the | Family Day Care services in Dubbo and Wellington are provided and maintained | | Liveability |
| | community | Investigate opportunities to expand Family Day Care services in the region | | Liveability |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|---|--------|--------------------------------|
| 5.5.1 | Access to recreation and cultural facilities for young people is improved | A review of the recreation needs of young people in the villages is undertaken | | Liveability |
| 5.5.2 | Quality passive and active open space is located to maximise access and use by the community | The Recreation Strategy 2030 is continually implemented and monitored | | Liveability |
| | access and use by the community | The Macquarie River CBD Master Plan is implemented | | Liveability |
| | | Community groups and programs are supported and encouraged to undertake environmental restoration programs | | Liveability |
| | | Residential subdivision in Dubbo provides recreation and open space infrastructure and facilities in accordance with the requirements of the Recreation Strategy 2030 | | Development and Environment |
| | | Recreation and open space areas are managed in accordance with the requirements of the Asset Management Plan | | Liveability |
| | | Public Open Space Guidelines are developed which identify standards for future developments | | Liveability |
| | | Construct a new Bell River Bridge to complete the Wellington CBD walking trail through Cameron Park and Pioneer Park | | Liveability |
| 5.5.3 | Unique recreational facilities and opportunity are available | Identify funding opportunities to install shade for the multi-purpose courts at Rygate Park | | Liveability |
| | | A master plan for an indoor facility at the Dubbo Aquatic Leisure Centre is prepared and implemented | | Organisational Performance |
| | | Aquatic Leisure Centres are managed in accordance with Industry Standards, Royal Lifesaving Australia, NSW Water Safety and NSW Health | | Organisational Performance |
| | | An aquatics-specific Asset Management system is implemented to ensure plant equipment and facilities are maintained and renewed according to best-practice | | Organisational Performance |
| | | A Dubbo Region Aquatic Leisure Centres Business Plan is prepared and implemented | | Organisational Performance |

5.5.: The community has the opportunity to participate in a diverse range of lifestyle, sporting and passive recreational pursuits

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|---|--|---|-------------|-------------------------------|
| | | A feasibility study for the Geurie Pool is prepared | | Organisational Performance |
| 5.5.4 Our sporting facilities are recognised as catering for a wide | Collaboration with user groups of sports grounds is undertaken to ensure the operational requirements of sporting groups and users are met | | Liveability | |
| | range of local, regional and state sporting events and opportunity | The operations and activities of the Dubbo Regions Sports Council are supported | | Liveability |

5.6.: We are a safe and healthy community

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|----------------------------|
| 5.6.1 | There is an appropriate level of policing in our urban areas and | The Dubbo Crime Prevention Plan is reviewed and updated | | Liveability |
| | villages | Advocate to government for the establishment and operation of a drug court in Dubbo | | Liveability |
| | | Advocate to government for 24-hour police services in Wellington | | Liveability |
| | | Advocate to government for an increased police presence in Dubbo | | Liveability |
| | | The operations of licensed premises are monitored | | Liveability |
| | | The safety camera networks in Dubbo and Wellington are reviewed and, where identified in consultation with stakeholders, expanded and enhanced | | Liveability |
| | | Advocate to government for the establishment of a Youth Koori Court in Dubbo | | Liveability |
| | | Advocate to government for the development of a Regional Justice Reinvestment Strategy | | Liveability |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate | |
|-------|---|--|--|----------------------------|----------------|
| 5.6.3 | New development within the Macquarie, Talbragar and Bell | A flood study is prepared for Geurie | | Infrastructure | |
| | rivers floodplain does not place the community at risk from flood impact | Stormwater drainage and flooding works in Wongarbon are completed | | Infrastructure | |
| | | Drainage networks in Dubbo and Wellington are regularly maintained | | Infrastructure | |
| | | , | Village drainage networks are regularly maintained | | Infrastructure |
| | | A Flood Study is prepared for Eumungerie | | Infrastructure | |
| | | The Wellington Flood Study is reviewed | | Infrastructure | |
| 5.6.4 | Local emergency management organisations and local State Emergency Services are capable of responding to emergencies | Disaster plans and Local Emergency Management plans are implemented and reviewed | | Infrastructure | |

5.7.: The high profile of existing cultural services and facilities is maintained

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|---|---|--------|----------------------------|
| 5.7.1 | 5.7.1 The community participates in and celebrates the high quality of cultural services and facilities available | Research is undertaken for the Western Plains Cultural Centre to measure and act on visitor and user satisfaction | | Culture and Economy |
| | | Alternative income streams for the Western Plains Cultural Centre are sought | | Culture and Economy |
| | | An annual report is provided to the community on Council's progress in the delivery of the Regional Cultural Plan | | Culture and Economy |
| | | Attract a range of local and national touring shows and community events to deliver positive commercial outcomes for the Dubbo Regional Theatre and Convention Centre | | Culture and Economy |

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|-------|--|---|--------|----------------------------|
| | | A seasonal program is developed for the Dubbo Regional Theatre and Convention Centre that supports the attraction of patrons and cultural diversity | | Culture and Economy |
| | | Research is undertaken for the Dubbo Regional Theatre and Convention Centre to measure and act on visitor and user satisfaction | | Culture and Economy |
| | | Alternative income streams for the Dubbo Regional Theatre and Convention Centre are sought | | Culture and Economy |
| | | Strategic Plans and Internal Business Strategy, including marketing plan is maintained and implemented for the Dubbo Regional Theatre and Convention Centre | | Culture and Economy |
| | | Council actively seeks and supports effective partnerships with cultural groups and organisations | | Culture and Economy |
| | | Strategic Plans and Internal Business Strategy, including marketing plan is maintained and implemented for the Western Plains Cultural Centre | | Culture and Economy |
| | | A wide range of cultural and arts related activities and uses of the Community Arts Centre are encouraged | | Culture and Economy |
| 5.7.2 | Aboriginal culture is celebrated | Aboriginal culture is supported and celebrated through dedicated programming and development programs | | Culture and Economy |
| | | Aboriginal advisory groups are provided and maintained in Dubbo and Wellington | | Liveability |
| | | Cultural tourism opportunities are supported and encouraged to develop in Dubbo and Wellington | | Culture and Economy |
| 5.7.3 | Existing arts and cultural facilities are leveraged to provide and promote complementary facilities and opportunity | A Public Art Strategy for culture and space activation within the Local Government Area is developed and implemented | | Culture and Economy |
| 5.7.4 | The community has access to a high standard of library services and facilities | A survey is undertaken to review the library needs of the community, both library users and non-users | | Liveability |
| | facilities | Seek grant and subsidy opportunities to obtain full benefits for the library facilities and services | | Liveability |

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|------|--------------|--|--------|----------------------------|
| | | Advocate to government for increased reoccurring funding for library facilities and services | | Liveability |
| | | Implement contemporary best practice library service delivery | | Liveability |
| | | The annual State Library of NSW public library statistical return is completed | | Liveability |
| | | Review the provision of services, programs and collections available for target and diversity groups | | Liveability |
| | | Compile quarterly Macquarie Regional Library performance reports | | Liveability |
| | | An annual report is provided on the Macquarie Regional Library, incorporating an audited statement of accounts | | Liveability |

5.8.: The diversity of our heritage is maintained and promoted

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--------------------------------|
| 5.8.1 | Conservation of heritage items through their adaptive re-use is encouraged | Council participates in the Local Heritage Assistance Fund | | Development and Environment |
| | encourageu | A heritage advisory service is provided to the Local Government Area | | Development and Environment |
| | | Undertake a strategic review of cultural and museum services in Wellington | | Culture and Economy |
| 5.8.2 | Planning instruments protect items of heritage significance | Items of heritage significance are included in planning instruments | | Development and Environment |
| | | The Dubbo Urban and Rural Heritage Studies are reviewed | | Development and Environment |
| | | The Wellington Community-based Heritage Study 2001-2005 is reviewed | | Development and Environment |

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|------------------|--|--|--|----------------------------|
| 5.8.3 | The Old Dubbo Gaol is maintained as a premier tourist attraction | Strategic Plans and Internal Business Strategy, including marketing plan is maintained and implemented for the Old Dubbo Gaol | | Culture and Economy |
| | | Collaborative marketing of the Old Dubbo Gaol is undertaken in partnership with other tourist attractions and activities in the Region | | Culture and Economy |
| | | The Old Dubbo Gaol Heritage Plaza is developed | | Culture and Economy |
| Alternative inco | | Alternative income streams for the Old Dubbo Gaol are sought | | Culture and Economy |
| 5.8.4 | The Wellington Caves is maintained as a premier tourist attraction | Prepare and implement an annual marketing and promotions program for the Wellington Caves | | Culture and Economy |
| | | Collaborative marketing of the Wellington Caves as a premier tourist attraction in the region is undertaken | | Culture and Economy |
| | | Research is undertaken for the Wellington Caves to measure and act on visitor and user satisfaction | | Culture and Economy |
| | | Strategic Plans and Internal Business Strategy, including marketing plan is maintained and implemented for the Wellington Caves | | Culture and Economy |
| | | Alternative income streams for the Wellington Caves are sought | | Culture and Economy |

5.9.: Environmental sustainability is a priority

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|-------|--|--|--------|--------------------------------|
| 5.9.1 | The community and Council is supported in becoming sustainable | Community and business are encouraged and supported to use renewable energy | | Development and Environment |
| | | Council staff are encouraged and supported to implement energy-efficient measures | | Development and Environment |
| | | The capacity of the community is improved to cope with the consequences of long-term drought events | | Executive Services |
| | | Investigate funding strategies and programs of activities to ensure long-term water security | | Infrastructure |
| | | Community and business are encouraged to adapt to drought restrictions if applicable, and continually improve water efficiency | | Executive Services |

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

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|--------|---|--|--------|--------------------------------|
| 5.10.1 | Land use management improves and sustains the built and natural environment | Planning controls include provisions to guide the sustainable development of the Local Government Area | | Development and Environment |
| 5.10.2 | The quality of the Macquarie, Talbragar and Bell river corridors is enhanced | A litter education program is undertaken | | Development and Environment |
| 5.10.3 | Urban stormwater discharge from the drainage network into receiving waters is limited | Gross pollutant traps are maintained | | Infrastructure |
| | waters is inflited | A program for the provision of new gross pollutant traps is implemented | | Infrastructure |
| | | A stormwater education program is implemented | | Infrastructure |

APPENDIX NO: 1 - 2021/2022 DELIVERY PROGRAM AND OPERATIONAL PLAN PROGRESS REPORT - JANUARY TO JUNE 2022

| Code | 4 Year Focus | 1 Year Action | Status | Responsible Directorate |
|--------|--|---|--------|--------------------------------|
| 5.10.4 | Rural land managers are encouraged to promote sustainable agricultural and land management | Sensitive lands are protected from agricultural activities | | Development and Environment |
| | practices | Advocate to government for funding to restore degraded environments | | Liveability |
| 5.10.5 | Planning instruments include provisions for the protection of sensitive environments | The Comprehensive Local Environmental Plan for the Local Government Area provides appropriate environmental zonings for sensitive lands | | Development and Environment |
| | sensitive environments | The zoning of environmentally sensitive lands is undertaken in conjunction with review of the Dubbo Urban Areas Development Strategy and the Dubbo Rural Areas Development Strategy | | Development and Environment |
| 5.10.6 | Endangered ecological communities and threatened species are protected | Advocate to government for funding to map all endangered ecological communities in the Local Government Area | | Development and Environment |
| | | Where practicable, Council infrastructure projects avoid endangered ecological communities and the habitats of threatened species | | Development and Environment |
| 5.10.7 | The community displays a high level of understanding and compliance with legislation in regard to the keeping and control of companion and other animals | A Companion Animals Management Plan is maintained for the Local Government Area | | Development and Environment |
| | | An education program is implemented to educate residents on the requirements for the keeping of companion animals | | Development and Environment |
| | | Animal shelter and impounding services are provided in Dubbo and Wellington | | Development and Environment |
| | | An annual audit of the operation of the Dubbo Animal Shelter and the Wellington Pound is undertaken | | Development and Environment |





REPORT: D22-264 - Advertising Structure -Lot 1 DP 1276035, 235 Cobra Street Dubbo

DIVISION:Development and EnvironmentREPORT DATE:3 August 2022TRIM REFERENCE:ID22/1425

EXECUTIVE SUMMARY

| Purpose | Determine develop | oment application | | |
|---------------------|--|---|--|--|
| Issue | Development application lodged for a prohibited land use (advertising structure). | | | |
| Reasoning | The proposed development is prohibited within the B5 Business Development zone A comprehensive planning assessment under Section 4.15 Environmental Planning and Assessment Act 1979 has been undertaken including an assessment of Dubbo Regional LEP 2022 and has been attached as Appendix 1. This report will focus on the relevant matters relating to the land use definitions and permissibility. For more information in relation to the overall assessment of the Development Application reference should be made to Appendix 1. | | | |
| Financial | Budget Area | There are no financial implications arising from | | |
| Implications | | the report. | | |
| Policy Implications | Policy Title Dubbo Regional Local Environmental 2022 Inadequate and Incomplete Develops Application Management July 2018 | | | |
| | Impact on Policy | The proposal is inconsistent with the Dubbo Regional Local Environmental Plan 2022. | | |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 3 Economy |
|----------------------------|---|
| CSP Objective: | 3.2 Employment opportunities are available in all sectors of our economy |
| Delivery Program Strategy: | 3.2.1 Employment and investment opportunities for all sectors of the community are fostered |

RECOMMENDATION

- 1. That Development Application D2022-264 Advertising structure, 235 Cobra Street Dubbo be refused.
- 2. That Council grant delegation to the Chief Executive Officer to sign the determination (refusal).

Stephen Wallace Director Development and Environment *TS* Senior Planner

BACKGROUND

Council is in receipt of a Development Application for an innominate land use (directional signage) at Lot 1 DP 1276035, 235 Cobra Street Dubbo. The site is occupied by Mobil Service Station.

An innominate land use is defined as one which is not specifically referred to in a land use table.

The proposed development comprises a 5.13m high pylon with a 2.87m (h) x 1.72m (w) sign atop ($4.94m^2$). For visual reference the elevations of the sign are provided in **Figure 1**.



Figure 1. Sign elevations

The sign is intended to direct traffic from the highway (Cobra Street) into Hawthorn Street to access the proposed takeaway food and drink premises (Taco Bell) at 4 Hawthorn Street currently under assessment by Council (D2022-16).

Although the applicant has sought to define the proposed development outside of the land uses referred to in the land use table of Dubbo Regional Local Environmental Plan (LEP) 2022, Council has determined the proposed development is defined within the land use table as an

'advertising structure' which is prohibited in the B5 Business Development zone, in which the land is located.

In accordance with Council's policy entitled, Inadequate and Incomplete Development Application Management July 2018, and in correspondence dated 10 June 2022 (21 days) and 6 July 2022 (14 days) Council requested further information from the applicant seeking clarification regarding the definition of the proposed development. To date, no response from the applicant has been received by Council. As such, the application is recommended for refusal.

REPORT

Consultation

- Internal consultation
 - Infrastructure Division

Council's Senior Development Engineer (SDE) in the report dated 23 June 2022, provided the following comment:

After reviewing the submitted plan and information, it is noted that the proposed pylon signage is on Lot 1 DP 1276035 which is not related to TACO BELL development.

Could you please ask the applicant to relocate the proposed pylon signage on Lot 14 DP 1254836 which is the TACO BELL development?

• Building Services Branch

Council's Senior Building and Development Certifier (SBDC) in the report dated 30 June 2022 (copy on file) did not raise any significant issues that require further investigation or that would prevent the Application from being granted consent with conditions in relation to compliance with the Building Code of Australia.

• External consultation

The Development Application was placed on notification for a period in excess of 14 days ending 21 June 2022, during which time adjoining property owners were notified in writing of the proposed development.

Council received no submissions during the notification period.

Site Characteristics

Locality

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The allotment is located on the south-eastern corner of Cobra and Hawthorn streets. It has an area of 2,282 m² and a frontage of 45.9 metres to Cobra Street and 53.3 metres to Hawthorn Street. For a locality map of the site see **Figure 2**.



Figure 2: Site location Lot 1 DP 1276035, 235 Cobra Street DUBBO

Slope

The site is generally flat.

Vegetation

The site is void of native vegetation due to its highly disturbed and developed nature.

Access

Access to the site is obtained via Cobra Street (entry only) and Hawthorn Street (entry and exit) bitumen sealed public roads with kerb and guttering.

Drainage

The proposed development will not alter the existing drainage arrangements on the site and will not require connection to stormwater infrastructure.

Services

The site is connected to all utility services (water, sewer, stormwater and electricity). The proposed development would not alter the existing services provision.

Adjoining uses

| North: | Cobra Street (Mitchell Highway) and residential beyond that. | | |
|--------|--|--|--|
| South: | Vacant business zoned land and proposed takeaway food and drink (D2022-16) | | |
| East: | Takeaway food and drink (Carl's Jr) and other commercial development including | | |
| | Spotlight beyond that. | | |
| West: | Commercial and industrial development including 'Inspirations Paint' and | | |
| | 'Snooze'. | | |
| | | | |

SITE HISTORY

The site has been the subject of a number of Development Applications over the years.

Relevant to this application is:

| DA No. | Development Description | |
|---------|--|--|
| D20-416 | Service Station (Mobil) and Takeaway Food and Drink Premises (Carl's Jr) | |

There are no issues from previous development approvals, which require further consideration.

PLANNING ASSESSMENT Section 4.15(1)

As required by the Environmental Planning and Assessment Act, 1979, Section 4.15(1), the following relevant matters are addressed below:

- environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs);
- draft environmental planning instruments;
- development control plans;
- planning agreements;
- regulations;
- environmental (natural and built), social and economic impacts;
- suitability of the site;
- submissions; and
- public interest.

(a)(i) Environmental Planning instruments

SEPP (Transport and Infrastructure) 2021

<u>Chapter 2 – Infrastructure</u>

The application was referred to Essential Energy in accordance with Clause 2.48 for which they responded in correspondence dated 15 July 2022, raising no objection to the proposed development. The requirements specified by Essential Energy would be included on the development consent as notations (if development consent is granted), as Council is unable to enforce such requirements.

Pursuant to Section 2.119 of the SEPP (Transport and Infrastructure) 2021, development with a frontage to a classified road:

- (1) The objectives of this section are—
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

COMMENT: Although the proposed development, in isolation, would be unlikely to adversely impact the effective and ongoing operation and function of the classified road (Cobra Street/Mitchell Highway) the cumulative impact of the development may.

The purpose of prohibiting advertising structures and only permitting business identification signage is, in part, to reduce the number of signs on the highway (i.e. otherwise businesses may take advantage of highway locations to maximise exposure). Proliferation of signs on highways has the potential to cause driver distraction, which ultimately may compromise the effective and ongoing operation and function of the classified road.

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

COMMENT: Due to the nature of the development, impact of traffic noise and vehicle emissions is not a consideration.

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

COMMENT: Due to the nature of the development, access is not a consideration. As detailed above, the proposed development will not adversely impact the effective and ongoing operation and function of the classified road. Further, being a sign, it will not be sensitive to traffic noise or vehicle emissions.

SEPP (Industry and Employment) 2021

<u>Chapter 3 – Advertising and Signage</u>

The proposed development includes the following signage:

• One x 5.13m high pylon with a 2.87m (h) x 1.72m (w) sign atop ($4.94m^2$)

As such, the aims of the SEPP are as follows:

3.1(1) This Chapter aims:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- *(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
- (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

COMMENT: It is considered that the proposed development is inconsistent with (a)(i) and (ii) and (d) above. The proposed signage is to be located on an allotment of land on which the sign does not relate. As such, it is considered that such signage is not compatible with the desired amenity and visual character of the area as the cumulative impact of advertising structures fronting a classified road/transport corridor is not appropriate in relation to traffic safety. Consequently, it is considered that the sign is not sited in a suitable location.

| Assessment Criteria | Considerations | Compliance comments |
|------------------------|--|----------------------------------|
| 1. Character of the | Is the proposal compatible with the existing | No. The structure is not located |
| area | or desired future character of the area or | on the site to which it relates. |

An assessment of Schedule 5 is made below:

| | locality in which it is proposed to be located?Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | |
|---|---|---|
| 2. Special areas | • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | The proposed development has the potential to adversely impact the visual amenity of the area in relation to cumulative impacts of similar signage. |
| 3. Views and vistas | Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? | No No. The signage is to be located on adjoining land and as such may impact on the viewing rights of the business operating from that site. |
| 4. Streetscape, setting or landscape | Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? | Yes No. The proposed development will result in unnecessary clutter along a classified road. No N/A Yes. The proposed sign will be taller than the building on the site. Yes. The proposed sign is to be located within the landscaped area of the site. |
| 5. Site and building | Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? | No No |
| 6. Associated devices and logos with advertisements and advertising structures 7. Illumination | Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? Would illumination result in unacceptable | Yes. Logo No |
| | | |

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| | glare? | Potentially. The proposed |
|-----------|--|---|
| | Would illumination affect safety for pedestrians, vehicles or aircraft? | development may distract drivers in relation to accessing the business to which it is advertising as the sign will not be on the same allotment as the business to which it relates. |
| | • Would illumination detract from the amenity of any residence or other form of accommodation? | Unlikely No |
| | Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? | Νο |
| 8. Safety | • Would the proposal reduce the safety for any public road? | Potentially. The proposed development may distract / confuse drivers in relation to accessing the business to which it is advertising as the sign will not be on the same allotment as the business to which it |
| | Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | relates. No No |

COMMENT: As detailed above, the proposed development is also inconsistent with a number of matters in Schedule 5. It is considered the proposed development:

- is not considered to be compatible with the existing or desired future character of the area or locality;
- is likely to impact the viewing rights of other businesses located with frontages to the highway;
- will result in unnecessary clutter along a classified road;
- does not positively contribute to the streetscape;
- is of an incompatible scale relative to the building on the site; and
- may result in an adverse cumulative impact in relation to traffic and pedestrian safety.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

Dubbo Regional Local Environmental Plan 2022

The following clauses of Dubbo Regional Local Environmental Plan (LEP) 2022 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

| | Complies |
|---|----------|
| Clause 1.2 Aims of the Plan | |
| The proposed development is not inconsistent with the aims of the Plan. | Yes |
| Clause 1.4 Definitions | |
| Although the submitted application states the proposal is an innominate land use, the proposed development is a replica of the proposed signage submitted with D2022-16 at 4 Hawthorn Street (Architectural Plan No.DA11, Revision A, Dated 04/05/2021) in which such signage was referred to in the submitted Statement of Environmental Effects (SEE) as follows: | No |
| " The business identification signage proposed, includes an 8m high pylon sign" | |
| Business identification signage is defined under the Dubbo Regional Local Environmental Plan | |
| 2022 (DRLEP 2022) as follows: | |
| a sign— (a) that indicates— (i) the name of the person or business, and (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person | |
| who does not carry on business at the premises or place. Note— Business identification signs are a type of signage—see the definition of that term in | |
| this Dictionary. | |
| Although the signage is proposed to be located within a proposed easement on the subject site, benefitted by Lot 14 DP 1254836 4 Hawthorn Street, the signage does not relate to the business carried out on the land on which the sign is displayed, which contravenes (<i>ii</i>) above and as such, cannot be considered <i>business identification signage</i> . | |
| In relation to the proposed development being 'directional signage', in <i>McDonalds</i> <i>Australia Limited v Ashfield Council [2011] NSWLEC 1140 (2 June 2011),</i> Commissioner Brown agreed with the applicant (emphasis added): | |
| [The proposed] signage is directional only and is primarily intended to facilitate the | |
| safe and efficient movement and flow of vehicles to, from and within the site. To achieve these functions, the signs must be positioned in relevant and appropriate locations within the site . | |
| A search of cases heard by the <i>Land and Environmental Court of New South Wales</i> found a number of cases that dealt with directional signage. However, none of which included offsite directional signage similar to that proposed. | |

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| Consequently, it is considered that the proposed development is not <i>business</i> <i>identification signage</i> nor directional signage. Noting this, it would be considered that the proposed development is consistent with the definition of <i>advertising structure</i> under the <i>DRLEP 2022</i> as follows: <i> means a structure used or to be used principally for the display of an</i> | |
|---|-----|
| means a structure used or to be used principally for the display of an | |
| advertisement. | |
| The subject land is located within the <i>B5 Business Development</i> zone in which advertising structures are <u>prohibited</u> . | |
| It is for this reason the proposed development is recommended for refusal. | |
| Clause 2.2 Zoning of land to which Plan applies | |
| The subject site is zoned B5 Business Development | Yes |
| Clause 2.3 Zone objectives and Land Use Table | |
| The development application was lodged as an innominate land use (directional signage), but was effectively business identification signage, but not located on the site on which the business was / will be located. As such, it is considered the proposed development is defined as an advertising structure, which is prohibited in the zone. | No |
| Clause 5.14 Siding Spring Observatory – maintaining dark sky | |
| The proposed development has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory, having regard to subclauses: 2(a) - the amount of light to be emitted; 2(b) - the cumulative impact of the light emissions with regard to the critical level; 2(c) - outside light fittings (shielded light fittings); Additionally, as per subclause (7) the proposed development is not considered likely to result in the emission of light of 1,000,000 lumens or more. | Yes |
| Clause 7.2 Earthworks | |
| | Yes |
| Clause 7.5 Groundwater vulnerability | |
| The land is included on the Natural Resource – Groundwater Vulnerability Map. The proposed development would not be likely to cause groundwater contamination nor will it likely have an effect on any groundwater dependent ecosystems. It is also considered not likely to have a cumulative impact on groundwater. | Yes |
| Clause 7.7 Airspace operations | |
| The subject site is located within the Obstacle Limitation Surface Map at height 423.5mAHD. The site for the proposed development has a surface level of 283.25mAHD | Yes |

(a)(ii) Draft Environmental Planning instruments

No draft environmental planning instruments apply to the land to which the Development Application relates.

(a)(iii) Development control plans

Dubbo Development Control Plan 2013

Chapter 2.2.5, Commercial Development Controls, of the Dubbo DCP 20013 is applicable to the proposed development and subject land.

Due to the prohibited nature of the proposed development, a brief assessment in relation to the DCP is provided below. Please note the elements not included are considered not applicable to the proposed development.

Element 1: Set-backs

The proposed development is provided with a setback of 8.83m from the northern boundary (Cobra Street, classified road street frontage) and 2.1m from the Hawthorn Street frontage. Although the DCP requires a 10m setback for buildings from a classified road no such controls are provided for signage. It is considered the setback proposed is consistent with the existing business signage along Cobra Street.

Element 9: Signage and advertising

The proposed development is a free standing sign. The DCP permits one freestanding sign with an area no larger than $2m^2$ or 1.5m in height within the front landscaped area of land within the B5 zone. One existing freestanding sign is provided (Mobil) and as such no further signage is permitted.

It is noteworthy to identify that the proposed development exceeds the size and height controls.

Regardless of the above assessment, the proposed development is prohibited in the zone and as such is recommended for refusal.

Resourcing Implications

Nil.

RECOMMENDATION

The Applicant has sought development consent for an advertising structure at Lot 1 DP 1276035, 235 Cobra Street Dubbo.

The proposed development is recommended for refusal for the following reasons:

- The proposed development for an advertising structure is a prohibited land use within the B5 Business Development zone. (Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)
- The proposed development is inconsistent with Section 3.1(1)(a)(i) and (ii) and (d) of State Environmental Planning Policy (Industry and Employment) 2021. (Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)
- The proposed development is inconsistent with Section 2.119(1)(a) of State Environmental Planning Policy (Transport and Infrastructure) 2021. (Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)
- The proposed development is inconsistent with Element 9, Chapter 2.2.5 of the *Dubbo Development Control Plan 2013* in relation to maximum number, size and height of signs on a single occupancy site within the B5 Business Development zone. (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979)

APPENDICES:

1. Planning Report - Advertising Structure - 235 Cobra Street Dubbo

| DUBBO REGIONAL COUNCIL | APPLICATION ASSESSMENT REPORT | |
|---------------------------|--|--|
| REPORT: | Lot: 1 DP: 1276035, 235 Cobra Street DUBBO | |
| Development: | Business identification signage | |
| Applicant: | Premise Australia Pty Ltd | |
| Owner: | Dexus Asset Management Limited | |
| Assessing Officer: | Senior Planner | |
| Date: | 1 August 2022 | |
| File: | D2022-264 Part 1 | |
| | | |

PROPOSED DEVELOPMENT

Council is in receipt of a Development Application for an innominate land use (directional signage) at Lot 1 DP 1276035, 235 Cobra Street Dubbo. The site is occupied by Mobil Service Station.

The proposed development comprises a 5.13m high pylon with a 2.87m (h) x 1.72m (w) sign atop ($4.94m^2$). For visual reference the elevations of the sign are provided in **Figure 1**.



The sign is intended to direct traffic from the highway (Cobra Street) into Hawthorn Street to access the proposed takeaway food and drink premises (Taco Bell) at 4 Hawthorn Street currently under assessment by Council (D22-016).

SITE CHARACTERISTICS

Locality

The allotment is located on the south-eastern corner of Cobra and Hawthorn streets. It has an area of 2,282m² and a frontage of 45.9 metres to Cobra Street and 53.3 metres to Hawthorn Street. For a locality map of the site see **Figure 2**.



Figure 2: Site location Lot 1 DP 1276035, 235 Cobra Street DUBBO

Slope The site is generally flat.

Vegetation

The site is void of native vegetation due to its highly disturbed and developed nature.

Access

Access to the site is obtained via Cobra Street (entry only) and Hawthorn Street (entry and exit) bitumen sealed public roads with kerb and guttering.

Drainage

The proposed development will not alter the existing drainage arrangements on the site and will not require connection to stormwater infrastructure.

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Services

The site is connected to all utility services (water, sewer, stormwater and electricity). The proposed development would not alter the existing services provision.

Adjoining uses

| North: | Cobra Street (Mitchell Highway) and residential beyond that. | |
|--------|---|--|
| South: | Vacant business zoned land and proposed takeaway food and drink (D22-016) | |
| East: | Takeaway food and drink (Carl's Jr) and other commercial development including Spotlight beyond that. | |
| West: | Commercial and industrial development including 'Inspirations Paint' and 'Snooze' | |

SITE HISTORY

The site has been the subject of a number of Development Applications over the years. Relevant to this application are:

| DA No. | Development Description | |
|---------|--|--|
| D20-416 | Service Station (Mobil) & Takeaway Food and Drink Premises (Carl's Jr) | |

There are no issues from previous development approvals, which require further consideration.

PLANNING ASSESSMENT Section 4.15(1)

As required by the Environmental Planning & Assessment Act, 1979, Section 4.15(1), the following relevant matters are addressed below:

- environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs);
- draft environmental planning instruments;
- development control plans;
- planning agreements;
- regulations;
- environmental (natural and built), social and economic impacts;
- suitability of the site;
- submissions; and
- public interest.
- (a)(i) Environmental Planning instruments

SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

The application was referred to Essential Energy in accordance with Clause 2.48 for which they responded in correspondence dated 15 July 2022, raising no objection to the proposed development. The requirements specified by Essential Energy will be included on the development consent as notations, as Council is unable to enforce such requirements.

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Pursuant to Section 2.119 of the SEPP (Transport and Infrastructure) 2021, development with a frontage to a classified road:

- (1) The objectives of this section are-
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

COMMENT: Although the proposed development, in isolation, would be unlikely to adversely impact the effective and ongoing operation and function of the classified road (Cobra Street/Mitchell Highway) the cumulative impact of the development may.

The purpose of prohibiting advertising structures and only permitting business identification signage is, in part, to reduce the number of signs on the highway (i.e. otherwise businesses may take advantage of highway locations to maximise exposure). Proliferation of signs on highways has the potential to cause driver distraction, which ultimately may compromise the effective and ongoing operation and function of the classified road.

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

COMMENT: Due to the nature of the development, impact of traffic noise and vehicle emissions is not a consideration.

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

COMMENT: Due to the nature of the development, access is not a consideration. As detailed above, the proposed development will not adversely impact the effective and ongoing operation and function of the classified road. Further, being a sign, it will not be sensitive to traffic noise or vehicle emissions.

SEPP (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

The proposed development includes the following signage:

• One (1) x 5.13m high pylon with a 2.87m (h) x 1.72m (w) sign atop (4.94m²)

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As such, the aims of the SEPP are as follows:

- (1) This Policy aims:
 - (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
 - (b) to regulate signage (but not content) under Part 4 of the Act, and
 - (c) to provide time-limited consents for the display of certain advertisements, and
 - (d) to regulate the display of advertisements in transport corridors, and
 - *(e)* to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.
- (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

COMMENT: It is considered that the proposed development is inconsistent with (a)(i) & (ii) and (d) above. The proposed signage is to be located on an allotment of land on which the sign does not relate. As such, it is considered that such signage is not compatible with the desired amenity and visual character of the area as the cumulative impact of advertising structures fronting a classified road/transport corridor is not appropriate in relation to traffic safety. Consequently, it is considered that the sign is not sited in a suitable location.

An assessment of Schedule 5 is made below:

| Assessment Criteria | Considerations | Compliance comments |
|---|---|---|
| 1. Character of the area | Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | No. The structure is not located on the site to which it relates. |
| 2. Special areas | Does the proposal detract from the area of locality? Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | The proposed development has the potential to adversely impact the visual amenity of the area in relation to cumulative impacts of similar signage. |
| 3. Views and vistas | Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? | No No No. The signage is to be located on adjoining land and as such may impact on the viewing rights of the business operating from that site. |
| 4. Streetscape, setting or landscape | Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? | Yes No. The proposed development will result in unnecessary clutter along a classified road. N/A N/A Yes. The proposed sign will be taller than the building on the site. Yes. The proposed sign is to be located within the landscaped area |

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| | | of the site. |
|--|---|--|
| 5. Site and building | Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | No |
| | Does the proposal respect important features of the site or building, or both? | No |
| | • Does the proposal show innovation and imagination in its relationship to the site or building, or both? | No |
| 6. Associated devices and logos with advertisements and advertising structures | • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | Yes. Logo |
| 7. Illumination | Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? | No No Unlikely No |
| 8. Safety | • Would the proposal reduce the safety for any public road? | Potentially. The proposed development may distract/confuse drivers in relation to accessing the business to which it is advertising as the sign will not be on the same allotment as the business to which it relates. |
| | Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | No |

COMMENT: As detailed above, the proposed development is also inconsistent with a number of matters in Schedule 5. It is considered the proposed development:

- is not considered to be compatible with the existing or desired future character of the area or locality;
- is likely to impact the viewing rights of other businesses located with frontages to the highway;
- will result in unnecessary clutter along a classified road;
- does not positively contribute to the streetscape;
- is of an incompatible scale relative to the building on the site; and
- may result in an adverse cumulative impact in relation to traffic and pedestrian safety.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

Dubbo Regional Local Environmental Plan 2022

The following clauses of Dubbo Regional Local Environmental Plan (LEP) 2022 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

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| Clause 1.2 Aims of the Plan The proposed development is not inconsistent with the aims of the Plan. | |
|---|-----|
| The proposed development is not inconsistent with the aims of the Flair. | Yes |
| | Tes |
| Clause 1.4 Definitions | |
| Although the submitted application states the proposal is an innominate land use, the proposed development appears to be a replica of the proposed signage submitted with D22-016 at 4 Hawthorn Street (Architectural Plan No. DA11, Revision A, Dated 04/05/2021) in which such signage was referred to in the submitted Statement of Environmental Effects (SEE) as follows: | No |
| " The business identification signage proposed, includes an 8m high pylon sign" | |
| Business identification signage is defined under the Dubbo Regional Local Environmental Plan 2022 (DRLEP 2022) as follows: | |
| a sign— (a) that indicates— (i) the name of the person or business, and (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and (b) that must be address of the ambience of the second | |
| (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place. Note— Business identification signs are a type of signage—see the definition of that term in this | |
| Dictionary. Although the signage is proposed to be located within a proposed easement benefitted by the subject land, the signage does not relate to the business carried out on the land on which the sign is displayed, which contravenes (<i>ii</i>) above and as such, cannot be considered <i>business identification signage</i> . | |
| In relation to the proposed development being 'directional signage', in <i>McDonalds Australia Limited v</i> <i>Ashfield Council</i> [2011] NSWLEC 1140 (2 June 2011), Commissioner Brown agreed with the applicant (emphasis added): | |
| [The proposed] signage is directional only and is primarily intended to facilitate the safe and efficient movement and flow of vehicles to, from and within the site. To achieve these functions, the signs must be positioned in relevant and appropriate locations within the site. | |
| A search of cases heard by the <i>Land and Environmental Court of New South Wales</i> found a number of cases that dealt with directional signage. However, none of which included offsite directional signage similar to that proposed. | |
| Consequently, it would be considered that the proposed development is not <i>business identification signage</i> nor directional signage. Noting this, it would be considered that the proposed development is consistent with the definition of <i>advertising structure</i> under the <i>DRLEP 2022</i> as follows: | |
| means a structure used or to be used principally for the display of an advertisement. | |
| The subject land is located within the <i>B5 Business Development</i> zone in which advertising structures are <u>prohibited</u> . | |
| It is for this reason the proposed development is recommended for refusal. | |
| Clause 2.2 Zoning of land to which Plan applies | |
| The subject site is zoned B5 Business Development | Yes |
| | |
| Clause 2.3 Zone objectives and Land Use Table Although lodged as business identification signage, as discussed above it is considered the proposed | No |

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| development is | defined as an advertising structure, which is prohibited in the zone. | |
|---|---|-----|
| Clause 5.14 | Siding Spring Observatory – maintaining dark sky | |
| | development has been assessed as unlikely to adversely affect observing conditions at g Observatory, having regard to subclauses: | Yes |
| • 2(a) - th | e amount of light to be emitted; | |
| | e cumulative impact of the light emissions with regard to the critical level; tside light fittings (shielded light fittings); | |
| | per subclause (7) the proposed development is not considered likely to result in the it of 1,000,000 lumens or more. | |
| Clause 7.2 | Earthworks | |
| | plication be approved appropriate conditions in relation to sediment and erosion es would be required. | Yes |
| Clause 7.5 | Groundwater vulnerability | |
| Resource – Gro proposed deve have an effect | Dubbo Local Environmental Plan 2011 applies as the land is included on the Natural bundwater Vulnerability Map. Although the development is a prohibited land use, the lopment would not be likely to cause groundwater contamination nor will it likely on any groundwater dependent ecosystems. It is also considered not likely to have a pact on groundwater. | Yes |
| Clause 7.7 | Airspace operations | |
| for the propose | e is located within the Obstacle Limitation Surface Map at height 423.5mAHD. The site ad development has a surface level of 283.25mAHD and with the development having am that equates to an overall height of 288.38mAHD, 135.12m below the surface map. | Yes |

(a)(ii) Draft Environmental Planning instruments

No draft environmental planning instruments apply to the land to which the Development Application relates.

(a)(iii) Development control plans

Dubbo Development Control Plan 2013

Chapter 2.2.5, Commercial Development Controls, of the Dubbo DCP 20013 is applicable to the proposed development and subject land.

Due to the prohibited nature of the proposed development, a brief assessment in relation to the DCP is provided below. Please note the elements not included are considered not applicable to the proposed development.

Element 1: Set-backs

The proposed development is provided with a setback of 8.83m from the northern boundary (Cobra Street, classified road street frontage) and 2.1m from the Hawthorn Street frontage. Although the DCP requires a 10m setback for buildings from a classified road no such controls are provided for signage. It is considered the setback proposed is consistent with the existing business signage along Cobra Street.

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Element 9: Signage and advertising

The proposed development is a free standing sign. The DCP permits one (1) freestanding sign with an area no larger than $2m^2$ or 1.5m in height within the front landscaped area of land within the B5 zone. One (1) existing freestanding sign is provided (Mobil) and as such no further signage is permitted.

It is noteworthy to identify that the proposed development exceeds the size and height controls. Regardless of the above assessment, the proposed development is prohibited in the zone and as such is recommended for refusal.

(a)(iii) planning agreements

There are no planning agreements applicable to the subject land.

(a)(iv) the regulations

No matters prescribed by the Regulations impact determination of the subject development.

5. LIKELY IMPACTS OF THE DEVELOPMENT

(a) Natural and Built Environment

It is considered the proposed development will not have any adverse impacts on the natural environment. It is considered that the cumulative impact of the proposed development would result in an adverse amenity effect on the built environment. In this regard, it is considered that the cumulative impact of the proposed development may result in clutter and a negative impact on the streetscape.

(b) Social/economic

It is considered that there will not be any adverse social or economic impacts as a result of this proposal.

6. SUITABILITY OF THE SITE

(a) Context, setting and public domain

(i) Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?

As detailed above, it is considered that the cumulative impact of the proposed development may adversely impact the streetscape amenity.

(ii) Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?

It is considered the external appearance of the proposed development is deemed appropriate in the context of the locality.

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(iii) Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?

It is considered the size and shape of the land is suitable for the proposed development. (*iv*) Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?

As detailed above, it is considered that the cumulative impact of the proposed development may adversely impact the streetscape amenity.

(v) Will the development have an adverse effect on the public domain?

As detailed above, it is considered that the cumulative impact of the proposed development may adversely impact the streetscape amenity.

(b) Environmental considerations

(i) Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?

The proposed development is not likely to adversely impact the environment.

(ii) Is the development likely to cause noise pollution?

Due to the nature of the proposed development noise pollution is not relevant.

(c) Access, transport and traffic

(i) Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?

Due to the nature of the proposed development it is considered the capacity of the road is not relevant.

(d) submissions

The Development Application was placed on notification for a period ending 21 June 2022, during which time adjoining property owners were notified in writing of the proposed development.

Council received no submissions during the notification period.

(e) 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.

CONTRIBUTIONS Section 64 & Section 7.11

Due to the nature of the development contributions would not be levied.

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INTERNAL REFERRALS

Building Assessment

Council's Senior Building & Development Certifier (SBDC) in the report dated 30 June 2022 (copy on file) did not raise any significant issues that require further investigation or that would prevent the Application from being granted consent with conditions in relation to compliance with the Building Code of Australia.

Engineering Assessment

Council's Senior Development Engineer (SDE) in the report dated 23 June 2022 in which the following comments were made:

After reviewing the submitted plan and information, it is noted that the proposed pylon signage is on Lot 1 DP 1276035 which is not related to TACO BELL development.

Could you please ask the applicant to relocate the proposed pylon signage on Lot 14 DP 1254836 which is the TACO BELL development.

SUMMARY & RECOMMENDATION

The Applicant has sought development consent for an advertising structure at Lot 1 DP 1276035, 235 Cobra Street DUBBO.

The proposed development is recommended for <u>refusal</u> for the following reasons:

- The proposed development for an advertising structure is a prohibited land use within the B5 Business Development zone. (Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)
- The proposed development is inconsistent with Section 3.1 (1)(a)(i) & (ii) and (d) of State Environmental Planning Policy (Industry and Employment) 2021. (Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)
- The proposed development is inconsistent with Section 2.119(1)(a) of State Environmental Planning Policy (Transport and Infrastructure) 2021. (Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979)
- The proposed development is inconsistent with Element 9, Chapter 2.2.5 of the *Dubbo Development Control Plan 2013* in relation to maximum number, size and height of signs on a single occupancy site within the B5 zone. (Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979)

AMADRA

Tracie Smart Senior Planner

· S.

Shaun Reynolds Statutory Planning Services Team Leader

Date: 1/8/2022

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Date: 1 / 08 / 2022



REPORT: Dan Robinson Memorial Signage - Results of Public Exhibition

DIVISION: REPORT DATE: TRIM REFERENCE: Community, Culture and Places 9 August 2022 ID22/1633

EXECUTIVE SUMMARY

| Purpose | Seek endorsement | Seek direction or decision | |
|---------------------|---|--|--|
| Issue | Provision of a sign | in memory of Dan Robinson | |
| Reasoning | Recognition of the significant contribution the Robinson Family provided to Dubbo Regional Council. | | |
| Financial | Budget Area | Recreation and Open Space – Recreation and | |
| Implications | | Sporting | |
| | Funding Source | Sporting Facilities - Maintenance | |
| | Proposed Cost | \$2000 | |
| | Ongoing Costs | NA | |
| Policy Implications | Policy Title | Memorial Plaques and Donation of Park | |
| | | Furniture and Tree Policy | |
| | Impact on Policy | No impact – implementation of policy | |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 4 Leadership | | |
|----------------------------|--|--|--|
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance | | |
| Delivery Program Strategy: | 4.1.1 Council encourages and facilitates two-way communication with and between stakeholders and the community | | |
| Theme: | 4 Leadership | | |
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance | | |
| Delivery Program Strategy: | 4.1.2 Council's decision-making processes are open, transparent and accountable | | |

RECOMMENDATION

- That Council supports the naming of the Dan Robinson Scoreboard at Apex Oval Field
 2.
- 2. That correspondence be sent to the family of Mr Dan Robinson advising them of Council decision to support the naming of the Apex Oval Field 2 Scoreboard.
- 3. That Dubbo District Junior Rugby League be notified of the Council decision to support the naming of the Apex Oval Field 2 Scoreboard.
- 4. That the Sporting Asset Coordinator organise the production and installation of the signage at Apex Oval Field 2.

Jane Bassingthwaighte Director Community, Culture and Places *IM* Manager Recreation and Open Space

BACKGROUND

Previous Resolutions of Council

On 23 January 2010 Dan Robinson, a former Dubbo resident who played sport for a number of Dubbo junior clubs, was tragically killed in England. Family and friends of Dan Robinson set about raising funds to support the Robinson Family in returning Dan's body to Australia so he could be laid to rest.

Given the funds raised exceeded the costs associated with Dan Robinson's return of his body to Australia and subsequent funeral, the Robinson Family opted to donate funds to a number of organisations. To support the development of the amenities building sporting at Victoria Park Ovals No.2 and 3, the Robinsons donated \$25,158.50 to Dubbo Regional Council on 4 June 2011.

In May 2021, Chris and Larry Robinson contacted Dubbo Regional Council and met with the Manager Recreation and Open Space and Recreation Coordinator to request a memorial that commemorated Dan Robinson and also recognised the donation the Robinson Family made to Dubbo Regional Council. The Robinson Family initially indicated they would like a sign on the scoreboard at Victoria Park No. 2 Oval being 'Dan Robinson Scoreboard'.

In January 2022 the Robinson Family submitted a Memorial Application to Dubbo Regional Council requesting the scoreboard signage and that funds be identified within the Recreation and Open Space budget to fund the production and installation of the sign given the significant contribution the family made to Dubbo Regional Council.

In May 2022 the Robinson Family contacted the Recreation Coordinator to request the scoreboard signage be installed at Apex Oval Field 2 instead of Victoria Park No. 2 Oval. The request came as a result of discussions with family and friends who were involved in raising the funds and due to Dan's involvement in St Johns Junior Rugby League.

Correspondence has been sent out to Dubbo District Junior Rugby League Association with regard to the proposal for the Dan Robinson Scoreboard signage and to date no objections have been received.

As this is an internal name within an existing facility there is no need to involve either the Geographic Names Board of NSW or the Ad Hoc Geographical Names Committee in this decision.

| 23 June 2022 | 1. | That the scoreboard at Apex Oval Field 2 be named Dan |
|--------------|----|--|
| | | Robinson Scoreboard with such naming to be placed on public |
| | | exhibition for no less than 28 days. |
| | 2. | That a further report be presented to Council following public |
| | | exhibition. |

Previous Resolutions of Council

REPORT

A report from the Manager Recreation and Open Space recommending support from Council was tabled at the June 2022 Ordinary Meeting of Council. At the meeting it was a resolution of Council that the naming proposal be placed on public exhibition for 28 days.

Consultation

The proposal to name the scoreboard at Apex Oval No.2 was publicly exhibited through the Council website for 28 days. Public exhibition closed 8 August 2022 with three submissions of support being received, including one from the Dubbo Junior Rugby League. A fourth submission was incomplete.

Resourcing Implications

| Total Financial Implications | Current year (\$) | Current year + 1 (\$) | | Current year + 2 (\$) | Current year + 3 (\$) | Current year + 4 (\$) | Ongoing (\$) |
|--|-------------------------|-----------------------------|---|-----------------------------|-----------------------------|-----------------------------|-----------------|
| a. Operating revenue | 0 | (| 0 | 0 | 0 | 0 | 0 |
| b. Operating expenses | 2,000 | (| 0 | 0 | 0 | 0 | 0 |
| c. Operating budget impact (a – b) | -2,000 | (| 0 | 0 | 0 | 0 | 0 |
| d. Capital Expenditure | 0 | (| 0 | 0 | 0 | 0 | 0 |
| e. Total net impact (c – d) | -2,000 | (| 0 | 0 | 0 | 0 | 0 |
| Does the proposal require ongoing funding? | | | Yes – minor maintenance | | | | |
| What is the source of this funding? | | | General fund – maintenance (Operations) | | | | |

Table 1. Ongoing Financial Implications

Planned Communications

• Community members who submitted feedback will receive a letter from Council thanking them for their contribution.

Timeframe

ORDINARY COUNCIL MEETING 25 AUGUST 2022

| Key Date | Explanation |
|----------------|----------------------|
| September 2022 | Design to production |
| November2022 | Signage installed |

Next Steps

Robinson Family to be formally notified of the outcome of the Memorial Application and the process for the production and installation of the 'Dan Robinson Scoreboard' memorial sign.

APPENDICES:

1 Dan Robinson Public Exhibition Submissions

Tracey Whillock

| From: | comms@dubbo.nsw.gov.au |
|----------|--|
| Sent: | Wednesday, 13 July 2022 8:21 PM |
| То: | Dubbo Regional Council |
| Subject: | SUBMISSION - DAN ROBINSON SCOREBOARD FILE 14/474 |

 Δ CAUTION: This email came from outside the organisation. Be cautious clicking links and do not open attachments unless they are expected.

1

The following information has been submitted from the Dubbo Regional Council:

| First name: | Laura |
|-------------------------|--|
| Surname: | Cole |
| Residential address: | |
| Contact number: | |
| Email: | |
| Written submission: | What an incredible thing for Chris and Larry to do, and something for the town and sporting community can remember the amazing man that Dan was! |

File Upload:

.

| From: comms@dubbo.nsw.gov.au | | | |
|---|---|--|--|
| Sent: | Wednesday, 20 July 2022 10:07 AM | | |
| To: | Dubbo Regional Council | | |
| Subject: | SUBMISSION - DAN ROBINSON SCOREBOARD FILE 14/474 | | |
| L a la t | | | |
| | This email came from outside the organisation. Be cautious clicking links and do not open | | |
| attachments | unless they are expected. | | |
| | | | |
| The following info | prmation has been submitted from the Dubbo Regional Council: | | |
| | | | |
| | | | |
| First name: | Lyn | | |
| | | | |
| First name: Surname: | Lyn Everett | | |
| Surname: Residential | | | |
| Surname: | | | |
| Surname: Residential | | | |
| Surname: Residential address: | | | |
| Surname: Residential address: Contact | | | |
| Surname: Residential address: Contact number: | | | |

Tracey Whillock

| From: |
|----------|
| Sent: |
| To: |
| Subject: |

District Secretary DDJRL Monday, 25 July 2022 6:45 AM Tracey Whillock Re: Dan Robinson Memorial

▲ CAUTION: This email came from outside the organisation. Be cautious clicking links and do not open attachments unless they are expected.

Hi Tacey

I just realised I didn't reply to this. DDJRL definitely happy to support.

Thanks Emily

Get Outlook for iOS

From: Tracey Whillock <Tracey.Whillock@dubbo.nsw.gov.au> Sent: Friday, June 10, 2022 2:20:56 PM To: 'Sue Egan' Subject: Dan Robinson Memorial

Hi Emily,

On 23 January 2022 Dan Robinson, a former Dubbo resident who played sport for a number of Dubbo junior clubs, was tragically killed in England. Family and friends of Dan Robinson set about raising funds to support the Robinson Family in returning Dan's body to Australia so he could be laid to rest.

Given the funds raised exceeded the costs associated with Dan Robinson's funeral and the returning of his body to Australia, the Robinson Family had a significant donation of funds to Dubbo Regional Council to support the development of sporting facility infrastructure.

In May 2021, Chris and Larry Robinson contacted Dubbo Regional Council and met with the Manager Recreation and Open Space and Recreation Coordinator to request a memorial that commemorated Dan Robinson and also recognised the donation the Robinson Family made to Dubbo Regional Council. Given Dan Robinson was a member of St Johns JRLFC the Robinson Family would like to name the Apex Oval Field 2 scoreboard the 'Dan Robinson Scoreboard'.

I just wanted to run this past Dubbo District JRL and make sure that you are ok with the proposal and are happy with the proceeding of the production and installation of signage on the field 2 scoreboard? If you can come back to me asap that would be great as the family is really keen to get this sorted and when need to go with a report to Dubbo.

Below is what the sign would look like:

ITEM NO: CCL22/213



Regards

Tracey



Tracey Whillock Recreation Coordinator

Recreation & Open Spaces | Dubbo Regional Council P 02 6801 4706 | M 0429 440 801 Tracey.Whillock@dubbo.nsw.gov.au http://dubbo.nsw.gov.au

How was your experience today? Click on one of the icons below to let us know!



We acknowledge the Wiradjuri people, the traditional custodians of the land. We pay respects to Elders past, present and emerging of the Wiradjuri Nation.

Please consider the environment before printing this email.

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| Tracev V | Vhi | llo | ck |
|----------|-----|-----|----|
|----------|-----|-----|----|

| From: |
|----------|
| Sent: |
| To: |
| Subject: |

comms@dubbo.nsw.gov.au Sunday, 10 July 2022 5:26 PM Dubbo Regional Council SUBMISSION - DAN ROBINSON SCOREBOARD FILE 14/474

▲ CAUTION: This email came from outside the organisation. Be cautious clicking links and do not open attachments unless they are expected.

1

The following information has been submitted from the Dubbo Regional Council:

| First name: | Craig |
|----------------------|---------|
| Surname: | Jeffery |
| Residential address: | |
| Contact number: | |
| Email: | |
| Written submission: | |

File Upload:



REPORT: Proposed Disability Access and Inclusion Advisory Committee

DIVISION: REPORT DATE: TRIM REFERENCE: Community, Culture and Places 1 August 2022 ID22/1597

EXECUTIVE SUMMARY

| Purpose | Addressing Counci motion | l notice of | Other: Review draft Terms of Reference |
|---------------------|--|----------------|---|
| lssue | Supply requested information regarding proposed Disability Access and Inclusion Advisory Committee. Provide draft TOR for proposed Disability Access and Inclusion Advisory Committee. | | |
| Reasoning | Notice of Motion: Disability Access and Inclusion Advisory Committee Council has requested the Director Community Culture and Places provide to the August 2022 Council meeting a report on a proposed Disability Access and Inclusion Advisory Committee with Councillor representatives, including a draft Terms of Reference to be determined. | | |
| Financial | Budget Area | No budget all | ocation |
| Implications | Funding Source | No funding so | ource |
| | Proposed Cost | \$0 | |
| | Ongoing Costs Internally resourced | | ourced |
| Policy Implications | Policy Title | Community C | onsultative Committee's |
| | Impact on Policy | Addition to er | ndorsed list |
| Consultation | Council | Council notice | e of motion |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 5 Liveability |
|----------------------------|--|
| CSP Objective: | 5.1 The health and safety of the community is improved |
| Delivery Program Strategy: | 5.1.2 The needs of older people and people with a disability are monitored to ensure appropriate services and facilities are available |

RECOMMENDATION

- **1.** That Council determine if a Disability Access and Inclusion Advisory Committee be created.
- 2. That, if created in recommendation 1, the Disability Access and Inclusion Advisory Committee draft Terms of Reference be adopted.
- 3. That Council put out Expressions of Interest for membership for this Advisory Committee.

Jane Bassingthwaighte Director Community, Culture and Places

CW Community Development Officer - Seniors and People With a Disability

BACKGROUND

Following the Local Government elections held in December 2021, Council needs to form community committees, working parties and advisory panels that they wish to have during this term of council.

Whilst there are particular committees that are mandatory for councils to have, there are often committees, working parties and advisory panels that fit a community need or interest area that can be beneficial.

In past terms of council there have been varied groups and working parties formed. Some of these were formed for a specific project that required consultation with community and or stakeholders, such as sporting groups or groups with a vested interest in the project. Once the project was completed the working party was ended.

On 29 July 2022, Councillor P Wells and Councillor S Chowdhury put forward a Notice of motion for a Disability Access and Inclusion Advisory Committee and as such this report is for Councillors to determine the structure of this committee and Terms of Reference.

Previous Resolutions of Council NOTICE OF MOTION: DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE

| 28 July 2022 | That the Director Community Culture and Places provide to the August | |
|--------------|--|--|
| | 2022 Council meeting a report on the proposed Disability Access and | |
| | Inclusion Advisory Committee with Councillor representatives, and a | |
| | draft Terms of Reference to be determined. | |

REPORT

The Dubbo Regional Council Disability Access and Inclusion Advisory Panel serves as resource and information support group to the Council as required and provides advice on the following matters:

- 1. To review Council's Disability Inclusion Action Plan when required
- 2. To provide advice on the potential solutions to issues raised in Council's Disability Inclusion Action Plan.
- 3. To encourage public consultation in initiatives designed to achieve the objectives of the Council as defined in the Disability Inclusion Action Plan.

Composition

- Three Councillors
- Director Community Culture & Places
- Manager Community Services
- Community members as determined by the selection panel after an expression of interest process.

Meetings will be held quarterly or as required for consideration of matters brought by the CEO.

Resourcing Implications

• All resourcing for proposed additional community consultative committee and staffing requirements is internal.

Planned Communications

Timeframe

| Innerrance | |
|------------------|--|
| Key Date | Explanation |
| 25 August 2022 | Report to Council to adopt the Disability Access and Inclusion Panel |
| 5 September – 19 | Advertise for membership, set up meeting times and induct new |
| September 2022 | members |
| February 2023 | 12 Month Review Report to Council on how effective the above have |
| | been, in line with all other Panels and Committees |

Next Steps

- Setting up schedules for the new Disability Access and Inclusion Advisory Panel
- Send out Expression of Interest advertisements to seek membership to committees.
- Determine membership and induct members.

APPENDICES:

1. Draft Terms of Reference - Disability Access and Inclusion Advisory Committee -August 2022



DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE

Terms of Reference

1. Values and Expectations

Dubbo Regional Council (DRC) committees, working groups or advisory panels are established to provide community and industry feedback to Council on a range of issues in an advisory capacity. Committees, working groups or advisory Panels are not decision making bodies.

DRC is committed to our values: Progressive, Sustainable, One Team, and Integrity. All DRC panel members are expected to act in accordance with our values and to work constructively together. These behaviours are expected of all panel members:

- Members will conduct themselves with respect to Council and each other
- Members will act as a two way conduit of information between Council, and the community/organisation they have been nominated to represent
- Members will confine their contributions to statement of facts
- Members will not insult or make personal reflection or impute improper motives to each other
- Members will not say or do anything that is inconsistent with maintaining order at meetings or is likely to bring the panel into contempt
- Members will allow other members to put their views without interruption

2. Aim

The Dubbo Regional Council Disability Inclusion Technical Panel serves as resource and information support group to the Council as required and provides advice on the following matters:

3. Purpose

1. To periodically review Council's Disability Inclusion Action Plan when required

2. To provide advice on the potential solutions to issues raised in Council's Disability Inclusion Action Plan.

3. To encourage public consultation in initiatives designed to achieve the objectives of the Council as defined in the Disability Inclusion Action Plan.



4. Membership

Members will serve on the Committee for the duration of the Mayoral Term. Should a member be absent from three consecutive meetings of the committee (without formal apology or leave granted by the committee), that person will cease to be a member. Any position made vacant under these terms will not be filled until the next round of expressions of interest, in conjunction with the Mayoral Term.

Community representation will be determined by way of open nomination, with successful applicants being decided by the Councillor representative/s, the Chief Executive Officer and/or relevant Director, and a relevant staff member.

5. Positions

Membership will comprise of:

- Three Councillors
- Director Community Culture and Places (or delegate)
- Manager Community Services
- Manager Infrastructure Strategy and Design (or delegate)
- Community members as determined by the selection panel after an expression of interest process.

The Chair will be the Councillor Representative.

The minute taker will be the Manager Community Services.

6. Support and Administration

Council's Governance and Internal Control (GIC) branch will be responsible for the following arrangements:

- Sending meeting invitations
- Booking meeting rooms
- Preparing agendas
- Distributing agendas
- Preparing dummy minutes
- Finalising and distributing minutes

Council's Community Services branch will be responsible for the following:

- Confirming meeting dates with Governance
- Confirming agenda items and preparing reports



- Taking minutes using the dummy minutes proforma created by Governance, and returning to Governance within three business days of the meeting
- All matters to do with nomination, selection and replacement of panel members

Committee members will be responsible for the following:

- Responding to meeting invites; providing an apology in advance where necessary
- Reading agendas and accompanying reports ahead of any meeting
- Attending and contributing to meetings

7. Delegations and Reporting

The committee will have no delegated authority from the Council to make decisions binding the Council.

Outcomes of the committee will inform reports, with recommendations, as required, to the Council under the Director Community Culture & Places. Reports may include:

- Meeting minutes to be submitted for notation to the Culture and Community Committee
- Contributions to the Community Strategic Plan 2040
- Specialist reports as requested by the Council

8. Meetings

Meetings will be held quarterly or as required for consideration of matters brought by the CEO

9. Outcomes

A minimum of three community/industry representatives is required to attend each meeting to achieve quorum, as well as a majority of Councillor representatives.

In the event that the group is unable to come to a cohesive understanding on any matter or discussion item, a vote will be taken and will be noted in the minutes.

10. Order of Business

The order of business for each committee meeting will be:

- 1. Apologises
- 2. Conflicts of Interest
- 3. Confirmation of Minutes/Report of the Committee
- 4. Reports from Staff

DUBBO REGIONAL COUNCIL

APPENDIX NO: 1 - DRAFT TERMS OF REFERENCE - DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE - AUGUST 2022 ITEM NO: CCL22/214



5. Other items as required

11. Confidentiality and Communication

Confidentiality is to be maintained by all members of the panel, pursuant to guidelines of the Local Government Act. Discussions will be treated as confidential until the minutes are finalised and distributed, or as agreed for release to the media.

The identity, including personal information (such as contact details) of panel members is not to be shared without the express permission of the member in question.

Prior to any public and/or media comment (including social media) on matters addressed by the committee, members will consult with the Director Community Culture and Places.

Committee members will not speak publicly on behalf of the panel without the express direction of the Director Community, Culture and Places.

12. Code of Conduct

Elected officials (Councillors) must abide by the Code of Conduct which can be found on <u>Council's website</u>. Representatives of Council administered committees, working groups or advisory panels and Committees must also abide by Council's Code of Conduct.



REPORT: Lease of Café and Cultural Centre to Wellington Local Aboriginal Land Council

DIVISION: REPORT DATE: TRIM REFERENCE:

Community, Culture and Places 12 August 2022 ID22/1700

EXECUTIVE SUMMARY

| Purpose | Addressing Counci | l resolution Fulfil legislated requirement/Compliance Other: Council Seal |
|---------------------|--|---|
| Issue | Council seal agreement | required for new Crown Land/retail lease |
| Reasoning | Council Policy Use of Council Common Seal Council Resolution 26 May 2022 Clause Number CCL22/125 | |
| Financial | Budget Area | Community Services |
| Implications | Funding Source | Internal budget |
| | Proposed Cost | External drawing up of lease agreement approx. \$4,000 |
| | Ongoing Costs | Maintenance costs \$2,315 per year |
| Policy Implications | Policy Title | Council Policy Use of Council Common Seal |
| | Impact on Policy | Need to apply |
| Consultation | Property Services | Scope of work |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 5 Liveability |
|----------------------------|---|
| CSP Objective: | 5.2 Our First Nations communities and cultures are celebrated and enhanced |
| Delivery Program Strategy: | 5.2.2 The culture of our First Nations communities is recognised and celebrated |
| Theme: | 5 Liveability |
| CSP Objective: | 5.2 Our First Nations communities and cultures are celebrated and enhanced |
| Delivery Program Strategy: | 5.2.3 Items, areas and places of First Nations cultural |

heritage significance are protected and conserved

| Theme: | 5 Liveability | | | |
|----------------------------|--|--|--|--|
| CSP Objective: | 5.2 Our First Nations communities and cultures are celebrated and enhanced | | | |
| Delivery Program Strategy: | 5.2.1 The health, education and socio economic status of our First Nations communities is improved | | | |

RECOMMENDATION

- 1. That the lease which is being created between Dubbo Regional Council and Wellington Local Aboriginal Land Council (WLALC) in Cameron Park be for \$1 per annum for a term of 12 months with a 2 x 1 year options, noting that these terms are at the request of the WLALC.
- 2. That necessary documentation in relation to this matter be executed under the Council Seal of Council.

Jane Bassingthwaighte Director Community, Culture and Places *CW* Community Development Officer - Seniors and People With a Disability

BACKGROUND

The Wellington Wiradjuri Tourism Experience consultation process began in Wellington during 2018, with the purpose of using the \$600,000 of Wiradjuri tourism experience grant funding. At that time consultation also began in Dubbo for the same purpose.

The consultation process in Wellington began with the signed letter dated the 14th June 2018 from the Wellington Local Aboriginal Land Council stating that they would be the conjugate for all community consultation on behalf of the DRC for the development of an Aboriginal community centre in Wellington. Members of the WLALC meet with the architect and discussed the concept designs for building.

Survey boxes were placed at; WLALC, Council administration building, the library, Visitors Centre and Wellington Information and Neighbourhood Service, hospital and schools. All surveys collected in Wellington by the 26th September 2018. The results were;

There were 346 people surveyed for the Wiradjuri tourism experience project, 63% said that they had heard about the proposed plans to build a Wiradjuri tourism project in Dubbo and Wellington. Of these 54% of the responses were from Wellington. There were 63% identified as an Aboriginal or Torres Strait Islander. 50% of those surveyed said that they were not aware of other tourism sites in the Dubbo area.

In August 2019 the tender (T19-038) for the design and construction of the Wiradjuri Tourism Experience Centre and kiosk – Wellington was awarded and contract was signed in October 2019 for construction to begin. The site of this cultural centre and re-modification was the old Wellington Visitors Centre in Cameron Park.

The final certificate for the build was given in March 2021. In February 2021 Council's Liveability Division and Property Services were working with the Wellington Local Aboriginal Land Council to complete a community lease for the use of the café and cultural centre in Cameron Park.

REPORT

Since 2021 Council staff have been working with the Wellington Local Aboriginal Land Council to complete the Café and Cultural Centre at Cameron Park, Wellington. The attached business plan which was created by the Wellington Local Aboriginal land Council to describe and showcase the cultural and business plans for the project. To be progressed through the creation and signing of a lease agreement.

The Notice of Intention was advertised in the Council Column on the 23 March 2022, along with the required 28 days public notice. The short term crown lease allowing access to the building for internal preparations, by Wellington Local Aboriginal Land Council. As the proposed business is a café and cultural centre with the selling of goods to the public. It has been necessary to create a new and blended Crown Land Lease with a retail lease.

Property services have engaged the services of an external legal firm to complete this agreement and it is the intention and to have the agreement signed before the 19 September 2022. The Wellington Local Aboriginal Land Council intend to open and launch the Maliyan Café and Cultural Centre in Cameron Park at the beginning of the Wellington NAIDOC week celebrations on the 19 September 2022.

Consultation

- Internally the divisions of; Community Services, Property services, governance were consulted
- Externally the Wellington Local Aboriginal land Council, Crown Lands and Native Title
- External community during public exhibition and notice of the short term Crown licence.
- It was made clear that the lease agreement required components of both a Crown Lands agreement and Retail lease.
- These concerns have been addressed through the creation of a new agreement and the use of an external legal firm.

Resourcing Implications

- External specialist work:
 \$2,500 plus GST for the lease documentation
 \$1,500 plus GST for the Crown Lands application and liaising with Crown Lands
- A maintenance budget line has been created for the ongoing maintenance of the building

| Total Financial Implications | Current year (\$) | Current year + 1 (\$) | Current year + 2 (\$) | Current year + 3 (\$) | Current year + 4 (\$) | Ongoing (\$) |
|--|-------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------|
| a. Operating revenue | 1 | 1 | 1 | 0 | 0 | 0 |
| b. Operating expenses | -2,315 | -2,315 | -2,315 | -2,315 | -2,315 | -2,315 |
| c. Operating budget impact (a – b) | -2,315 | -2,314 | -2,314 | -2,315 | -2,315 | -2,315 |
| d. Capital Expenditure | -15,545 | C | 0 | 0 | 0 | 0 |
| e. Total net impact (c – d) | -17,860 | -2,314 | -2,314 | -2,315 | -2,315 | -2,315 |
| Does the proposal require ongoing funding? Yes | | | | | | |

| What is the source of this funding? | Maintenance expenses + carry over restricted | |
|-------------------------------------|--|--|
| | asset from original grant funding | |

Table 1. Ongoing Financial Implications

Timeframe

| Key Date | Explanation |
|--------------|---|
| 19 September | Opening launch date of Maliyan Café & Cultural Centre by Wellington |
| 2022 | Local Aboriginal Land Council |

Next Steps

- Council is the Crown Land Manager of this reserve (Cameron Park) and
- Council is asking for Ministerial Consent, in line with the current Crown Land regulations when it comes to issuing new Crown Leases where there has not been a lease in place.
- WALC executes the lease
- Council executes the lease
- WALC commences operations at the property

APPENDICES:

1. Final - Business Plan - Cafe and Cultural Centre - Wellington Local Aboriginal Land Council



BUSINESS PLAN Maliyan Cultural Centre and Cafe

A project by Wellington Local Aboriginal Land Council

> Prepared by Megan Dixon, Seed Business Solutions with the support of Regional Development Australia Orana August 2020

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PREPARED BY | SEED BUSINESS SOLUTIONS & REGIONAL DEVELOPMENT AUSTRALIA, ORANA NSW, SEPTEMBER 2020

Executive Summary

This document is a comprehensive business proposal outlining the requirements and business plan proposed to establish a Café and Cultural Centre within Dubbo and Orana Region. Increasing consumer demand for coffee along with growing demand for Aboriginal cultural experiences, the concept of Café and Cultural Centre is the right blend to bring to the society and attract more tourism in the region. A cultural centre and museum focused on bringing the Aboriginal culture and heritage to the community and will help to attract more tourism and economic growth in the region and provide new employment opportunities for Aboriginal people in Wellington.

The concept of Maliyan Cultural Centre and Cultural Centre brings in the right mix of a Café that features freshly brewed, locally sourced coffee, with locally prepared snacks and desserts. The cultural centre will bring in the Aboriginal culture to local community showcasing a Museum, Art Gallery, Souvenir Shop, Meeting room with culturally enriching documentaries and storytelling sessions to consumers focusing on Aboriginal culture and heritage.

This proposal provides an in-depth business analysis for this idea and covers the following areas:

- ✓ Business Profile
- ✓ Mission, Objectives and Strategy of the business
- Location Analysis for the entire region
- ✓ Industry analysis highlighting the facts from Café, Art gallery & museum, and Aboriginal Cultural tourism industry.
- Overview of Marketing Strategy including competitive analysis, promotion and SWOT analysis.
- Business operations strategy which covers staffing, trading hours, risk analysis and other operational considerations for running the business.
- ✓ Growth strategy focusing on expansion plans and future business growth.
- The financial of the business including establishment costs, operating expenses, forecasted income statement and relevant financial ratios.

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Business Profile

Considering the current growth of population and tourism in the Dubbo and Orana Region of New South Wales, a great idea and need for a diversified café are being considered by Wellington Local Aboriginal Land Council.

The site offered to Wellington LALC is conducive to the operation of a cafe. It has tremendous potential for the inclusion of a cultural centre that features museum display, local art and souvenirs.

Based on the above concept, showcasing our Aboriginal heritage that represents the Australian art and culture is identified as the right fit in this concept. This idea of café and cultural centre has been proposed under the venture name as "Maliyan Cultural Centre and Cafe".

Maliyan Cultural Centre and Cafe is determined to become a central point to cater the daily needs for local coffee addicts in the community, a place to showcase the Aboriginal culture and art, a place for locals and tourists to escape from their daily stresses of life, a place where tourists can spend time and hear about cultural stories that builds an improved understanding of Aboriginal peoples and culture, and be a central spot from where tourists can collect memories by buying souvenirs, locally produced food items and artifacts, and just a comfortable place to meet with your friends or to read a book, all in one.

Maliyan Cultural Centre and Cafe will be an Aboriginal business, with social objectives, located in Wellington, New South Wales. The site for the café is the old Wellington Visitor Information centre. The location is ideal for tourist attraction, and it's a prime spot, located adjacent to a new children's park on the highway and in the centre of town. The operation of the business will provide an opportunity for Aboriginal people to build skills and gain certifications in café and retail operations.

The concept of this café and gallery centre as highlighted above features a lot of other attractions and support the community as well to attract more tourists in the region which is beneficial for the economy and regional growth of New South Wales. This café will focus on pre-made food with a diversified menu as the site doesn't have a grease trap; therefore, the concept is built on offering all fresh pre-made food and nicely brewed local coffee to the locals and tourists. Truly, we believe that attraction of local coffee, cultural artifacts, stories is the way of touching every visitor's heart in this region.

At Maliyan, our pre-made food is seasonal and based upon the highest quality ingredients that will be sourced from local producers in the region. Artifacts on display in the museum will be relevant to local Aboriginal history. Art and souveniers on sale, will be sourced from authentic Aboriginal businesses and will eventually be able to be sourced locally.

Elders of the Aboriginal community will be engaged to provide a story telling experience to provide indepth understanding to tourists and customers about the Aboriginal culture. Simultaneously, the café will focus heavily on high-profile customer service, to deliver repeat business.

Mission

Maliyan Cultural Centre and Cafe aspires to create a unique place for visitors and locals where customers can socialise with each other in a comfortable and relaxing environment while enjoying the locally made cultural food with the best brewed fresh coffee in town. The business will heavily focus on bringing the culture of our Aboriginal community to attract and increase more tourism in the regional community

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The mission of the Maliyan Café and Cultural Centre is:

- > To create an environment where absolute customer satisfaction is our highest priority.
- To provide a visitor experience based on the sharing of Aboriginal culture
- To support the retention of visitors into the region for longer periods
- To provide an opportunity for training, work experience and enterprise for the local Aboriginal community
- To offer our personal rendition of Aboriginal cultural food with an innovative gastronomic take on traditional food preparation methods and best brewed coffee.

Business Objectives

Maliyan Cultural Centre and Cafe with a team of enthusiastic, dedicated human resources and passionate owners are determined to meet the consumer needs, tourist's attraction and portray the Aboriginal culture. This café in itself has unique characteristics and diversified offerings to attract more tourism in the community and promote local businesses across the region.

In order to achieve the business mission and above goal, the café is pushing forward with the following objectives:

> Represent Aboriginal Peoples and Culture

To create cultural awareness among the locals and tourists by offering unique stories of culture, authentic Aboriginal artifacts as souvenirs and traditional food and snacks to develop knowledge and represent the authentic Aboriginal culture and history.

> Providing an outstanding patron experience

As a cultural centre and a café fulfilling the coffee needs, providing an ultimate ambience and distributing cultural knowledge and history, the business understands that it is not just serving coffee, but selling an experience to the locals and tourists. One of the significant business goals is to provide customers with a remarkable experience in food, coffee, cultural knowledge, souvenirs and artifacts that is memorable for consumers and encourages more tourism.

> Offer diversified services

The business objective is to offer a range of services that are unique, distinct and culturally rich that will attract consumers. Diversification will be achieved by including the following:

- An experience of a (mini) museum with culturally enriching products related to the history of the Aboriginal community,
- o A gallery that focuses on Aboriginal art,
- $\circ\;$ A café that offers the best brewed fresh coffee with delicious and mouth-watering snacks,
- A versatile theatre space for projection of pre-recorded stories with relation to history and culture,
- A retail outlet that brings in authentic artifacts and souvenirs represents the real culture of our Aboriginal community and
- Storytelling sessions with experienced community members to educate the tourists and locals with the history of the community.

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> Enhance tourism in the community

The primary objective of such a diversified and culturally enrich business is to attract more tourism in the community that will allow regional exposure and also enhance knowledge about the history and culture of the community among the tourists.

Key Success Factors

The keys to success are identified as follows:

- Quality: Offer freshly made coffee, excellent, highest quality, traditional, freshly prepared food and snacks, top-notch artifacts and souvenirs, culturally enrich stories and provide exceptional customer service.
- Unique and Contemporary: Create a unique, modern, but culturally impacted and warm atmosphere that combines with coffee, traditional snacks, cultural offerings, portraying community history, differentiates the café from the competition.
- Team: Securing and retaining the right set of people to work at the café and cultural centre that has the right attitude, characteristics to provide a memorable experience to consumers which is necessary for success.
- Location and Design: The site and design of the premises to be appealing and will help visually to attract tourists visiting the region.
- Marketing Strategies: Marketing strategies aimed to feature their offerings in local and tourism promotional material that will help attract more tourism to community and to café help to build a solid base of loyal customers, as well as maximising the sales of services and products.

Business Values

COMMITMENT

We are committed to serve coffee lovers and bring in the unique and authentic stories, artifacts and traditions of Aboriginal culture.

LEARNING

We believe in continuous learning to ensure we are always providing our customers with the best experience and knowledge about food, coffee and cultural history.

PEOPLE

Our business will provide an opportunity for local community members to gain work skills and learn how to exceed expectations – putting customers and staff first.

EXCELLENCE

We always exceed expectations and strive to be the best we can be.

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BUSINESS PLAN: MALIYAN CULTURAL CENTRE AND CULTURAL CENTRE, WELLINGTON NSW

DIVERSIFIED

We aim to provide a creative, distinct food & beverage choices blended with authentic stories and knowledge of culture and history of our community.

Business Summary

Business Name: Maliyan Cultural Centre and Cafe

Business Structure: Setting up the café and cultural centre as a social enterprise

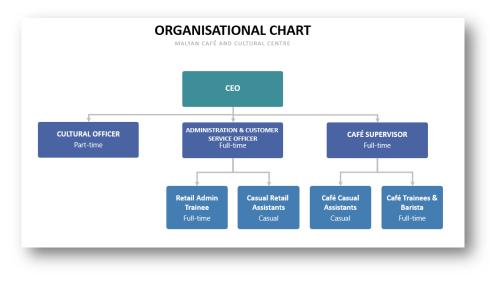
Hours of Trade: 7 days a week for both Café and Cultural Centre

Business Location: Wellington, NSW 2820

Products/Services: To offer wide range of beverages at the café that includes Coffee, Tea, Hot Chocolate, Milk Shakes etc. including pre-packaged foods like cakes, biscuits, muffins, hot food, sandwiches etc. The services at the cultural centre include storytelling sessions, a museum with Aboriginal cultural artifacts, souvenirs, meeting room hire services, etc.

Management & Organisational Chart

Owner Profile: CEO and the owner of the business is taking an initiative to start this as a new venture.



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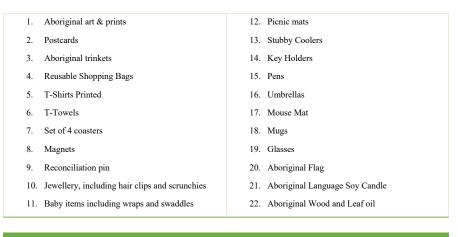
BUSINESS PLAN: MALIYAN CULTURAL CENTRE AND CULTURAL CENTRE, WELLINGTON NSW

Proposed Products / Services Offerings

As outlined above, the business is setting up as a very diversified venture that can differentiate their offerings from the competition. The café and cultural centre has been looking into multiple revenue streams to enable a diversified business model which holds a fully functional café that offers beverages, cakes, desserts and hot foods along with a cultural centre that offers a museum, story telling sessions, meeting room hire, a retail shop that offers souvenirs and cultural artifacts for sale.



CULTURAL CENTRE RETAIL SHOP



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BUSINESS PLAN: MALIYAN CULTURAL CENTRE AND CULTURAL CENTRE, WELLINGTON NSW

CAFÉ MENU

BEVERAGES 1. Hot Coffee

- Espresso, Long Black, Latte, Piccolo, Cappuccino, Flat White, Macchiato, Mocha
- 2. Iced Coffee Iced Latte, Iced Long Black, Iced Caramel Latte, Iced Hazelnut Latte, Iced Coffee
- 3. Hot Drinks Hot Chocolate, Chai Latte, Hazelnut Hot Chocolate, Caramel Hot Chocolate
- 4. Premium Tea Selection English breakfast, Earl Grey, Peppermint, Chamomile, Jasmine, Green
- 5. Milkshakes Strawberry, Vanilla, Mango, Caramel, Chocolate
- 6. Soft Drinks Coke, Sprite, Fanta, Coke Zero, Diet Coke, Lemonade
- 7. Juices Orange, Apple, Mango, Pineapple
- 8. Water Still Spring Water, Sparkling Spring Water
- 9. Iced Teas

Lemon, Peach, Passionfruit, Mango

HOT FOOD

- Dreamtime Tuka Pies and Sausage Rolls
 Pies
 - Chicken, Beef, Potato, Meat, Beef Gravy
- 12. Roll Spinach, Spinach and Ricotta, Sausage, Hot Dogs, Bacon
- 13. Chicken Specials Chicken Chips, Chicken Nuggets
- 14. Sandwiches Chicken, Cheese, Cheese tomato, Avocado, Ham, Egg, Beef, Tuna
- 15. Toast Raisin, two raisin, butter, banana bread, Croissant

DESSERTS

- 16. Cake Pieces Chocolate, Black Forest, Blueberry Cheese, Carrot, Mud cake
- 17. Cookies Chocolate, Peanut, Chocolate Chip, Double Chocolate
- 18. Muffins Chocolate, Blueberry, Double Chocolate,

Banana, Strawberry
19. Slices

Caramel, Brownie, Chocolate Coconut, Vanilla

Location

Deciding on a location to start a venture is the most critical factor in business planning, there is a noticeable growth seen in the region over the past few years. One of such regions that has registered a great development and progress is Orana regions of NSW. Regional Development Australia – Orana is part of a national initiative that has a specific focus on growing economic development across the region.

As per facts highlighted under RDA Orana economy profile, the region Orana is the largest and most diverse region in the state, and it does cover around 25% of entire NSW. The region has registered very

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BUSINESS PLAN: MALIYAN CULTURAL CENTRE AND CULTURAL CENTRE, WELLINGTON NSW

robust economic growth over the last few years. Currently, it is home to over 120,000 people, where it hosts close to 50,000 jobs and generates an annual economic output of almost \$18 billion (RDA, Orana 2020). The region also has some popularity among visitors, and there is still a lot more potential to attract more tourism in the region. Destination Country and Outback NSW have identified a specific opportunity to expand product offering in the area focussed on authentic cultural experiences. As per the Australian Bureau of Statistics 2016 Census place of work employment data, tourism supports around 6.4% of total employment, which is approx. 3,200 jobs and most significant portion of that is catered in Accommodation and Food Services in the Orana region.

Based on the growth of the region and the business model, we have nominated Wellington as one of they key spot that can contribute to the success of this business model and attracts a great number to tourists in the region as well. Wellington has a rich history that is known for its culture while situated among beautiful nature that includes the Macquarie and Bell Rivers and the Mount Arthur Reserve. Wellington presents many attraction points for tourists and local community like the Caves, Dam, River, Golf Club, Parks, and markets. Wellington is part of Dubbo Region, and the region itself attracts over a million tourists during a specific year. As per tourism data reported by Dubbo Region Council, in the year of 2019, the region attracted approx. 1.4 million tourists, including both international and domestic tourists, which generate an economic contribution of around \$290 million. Such incredible numbers reflect a bright future of this region. Below is the brief breakdown of tourism data in Dubbo Region:

| | Year ending Dec 2019 | One year % change | Five year % change |
|--------------------------------|-------------------------|----------------------|-----------------------|
| Domestic day visitors | 701,000 | 17 | 40 |
| Domestic overnight visitors | 618,000 | -3 | 38 |
| International visitors | 11,000 | 0 | 38 |
| Total visitors per year | 1,393,000 | 6 | 39 |

Source: Dubbo Region Council, Tourism Data (<u>https://dubbo.com.au/business/data-centre/tourism</u>)

Setting up a café and cultural centre as a social enterprise in the Wellington region will promote cultural awareness, history, promotion of our Aboriginal cultural understanding and generate more employment opportunities. The site selected to pursue this business idea is strategically located in the centre of the town, it is the old Wellington Visitor Information centre, it's a prime and ideal spot, located adjacent a new children's park on the highway and in the centre of the town. This park hosts monthly local markets as well, which attracts a large amount of foot traffic of the local community and tourists.

The decision to base the business in Wellington was heavily influenced by the factors listed below:

- Cultural History Wellington has a cultural history associated to it since its inception and will be the ideal place to represent the cultural centre.
- Tourism Tourism numbers have increased from previous years, and as mentioned Wellington is a gateway for tourists.

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BUSINESS PLAN: MALIYAN CULTURAL CENTRE AND CULTURAL CENTRE, WELLINGTON NSW

- Location Location selected is ideal and central for the local community and tourists as the park itself caters monthly markets, has a children's playground which will attract people to this new venture.
- Competition There are a lot of café's around the region, but a combination of an Aboriginal cultural centre with a cafe is one of its kind.

Proposed Site: Old Wellington Visitor Information Centre, Wellington NSW 2820



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BUSINESS PLAN: MALIYAN CULTURAL CENTRE AND CULTURAL CENTRE, WELLINGTON NSW

SITE IMAGES

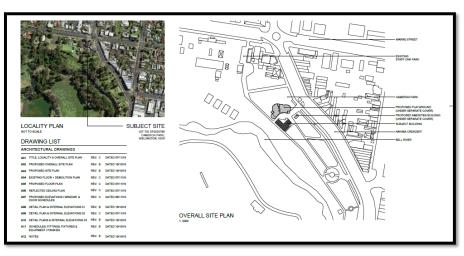


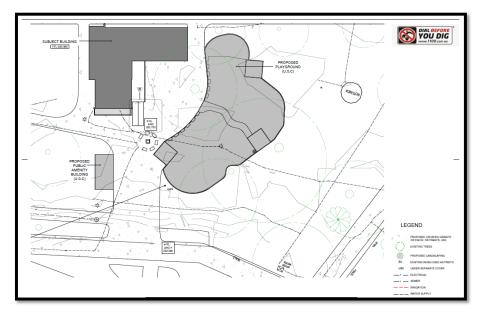


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SITE PLANS





Source: Architectural Drawings, Wellington Wiradjuri Tourism Experience Centre, Cameron Park, Wellington, Dubbo Regional Council

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Industry Overview

> CAFES AND COFFEE SHOPS INDUSTRY

Coffee culture in the Australian industry has always been in high demand as the consumers treat coffee as an affordable luxury which allows the industry to keep growing despite economic downturns. The high demand of local coffee by consumers in Australia has provided a powerful and steady platform to this industry where the focus has been noticed towards the demand of organic coffee within the industry while the industry itself is showing a positive demand over the next five years. As per the industry analysis reported by IBISWORLD in their April 2020 report, industry revenue has declined during 2019-2020 by 2.9% over the last five years, and there is an anticipation of approx. 23% decline in current year mainly due to global pandemic of COVID-19. With this outbreak, this particular industry of cafes and coffee shops has suffered the major hit due to restrictions in place as a result of this pandemic.

As per the current reported figures by IBISWORLD in the industry reports, the total revenue valuation of this industry has reported \$8.2 billion with a profit of somewhere around \$163.1 million where over 21,000 businesses are part of this industry that creates around 138,000 jobs.



Source: IBISWORLD April 2020, Industry report, "Cafes and Coffee Shops in Australia"

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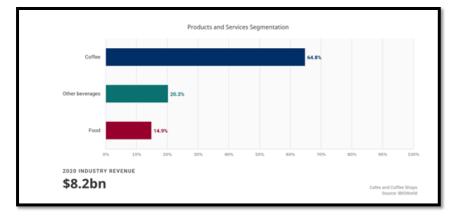
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Despite the current situation, the industry future looks promising where consumer demands for highquality, convenient food and beverages is anticipated to support a robust sales of coffee and other café products. The industry players are also expecting an increase in demand for high-quality coffee, premium ingredients and gourmet meals that will help the industry to increase their sales by selling higher-margin products. The industry trend looks bright over the next five years, and the revenue is expected to grow at an annual rate of 5.5% and expected to reach a turnover of \$10.7 billion by 2024-2025.

The coffee culture within the Australian market is robust and treated as a daily ritual for consumers and also an affordable luxury while the consumers are on their road trips or holidays. This coffee culture has supported sustained demand for cafes and coffee shops over the next five years. Further, it has also been anticipated that due to busy life style of consumers, the demand for convenient, healthy food and beverages are likely to increase over the coming years as many consumers have reportedly moved away from the fine dine-in experience to more convenient café-style meals and snacks. Among the consumers, there is a high demand for locally brewed coffee and meals. IBISWORLD report that consumers love the local taste and freshly brewed coffee, which gives popularity to small and specialised operators.

Based on the

further analysis in IBISWORLD 2020 report, coffee is still the industry's largest product segment contributing towards the industry revenue, which provides almost 65% in industry revenue.



Source: IBISWORLD April 2020, Industry report, "Cafes and Coffee Shops in Australia"

> ART GALLERIES AND MUSEUMS

The industry of Art Galleries and Museums is a very competitive industry during this era, as they directly compete with other leisure, sporting and entertainment organisations for consumers spending. It is quite surprising that even though the industry itself has a lot of competition the industry of art galleries and museums have recorded slight revenue growth during the last few years as per IBISWORLD industry report from November 2019. To attract tourism, successful art gallery and museums have made use of emerging digital media to offer online and virtual museums. The element of modern digital features has been playing a pivotal role in the growth of this industry sector and has to attract tourism with these distinctive features.

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As per the current reported figures by IBISWORLD in the industry reports, the total revenue valuation of this industry has reported \$1.8 billion with a profit of somewhere around \$171.5 million with around 9.4% profit margin where over 1,250 businesses are part of this industry that creates around 8,763 jobs.

| Key Stati | stics | |
|-----------|-----------------------|----------------------------|
| \$ | \$1.8bn Revenue | |
| Annual | Annual | Annual Growth |
| Growth | Growth | 2015-2025 |
| 2015-2020 | 2020-2025 | \sim |
| 1.0% | 2.5% | |
| | \$171.5m Profit | |
| Annual | | Annual Growth |
| Growth | | 2015-2020 |
| 2015-2020 | | \sim |
| 2.1% | | |
| | 9.4% Profit Margin | Annual Growth 2015–2020 |
| | 1,273 Businesses | |
| Annual | Annual | Annual Growth |
| Growth | Growth | 2015-2025 |
| 2015-2020 | 2020-2025 | $\overline{}$ |
| 0.0% | 0.0% | |
| | 8,763 Employment | |
| Annual | Annual | Annual Growth |
| Growth | Growth | 2015-2025 |
| 2015-2020 | 2020-2025 | |
| -0.9% | 2.7% | |

Source: IBISWORLD November 2019, Industry report, "Art Galleries and Museums in Australia"

Even though we can predict a hit to the industry as well due to current global pandemic environment, the future of the industry still looks bright as local tourism will play a key feature in the upcoming years because of the gap that is left on international travel due to pandemic. The industry revenue has recorded an increase at an annual rate of 1% over the five years, but it has also been observed that the industry players do require a diversified operation to create multiple income streams with art galleries and museums to attract more tourists like cafes, gift shops etc. Overall, industry future is looking quite

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promising at this stage, where it has been projected to increase at an annual rate of 2.5% over the next five years and anticipated to reach around \$2.1 billion in revenue by 2024-2025.

The industry has taken steps to increase its revenue by introducing digital media options and offer more interactive documentaries, stories related to history to enhance consumer experience and also sell them at premium margins. The consumers have welcomed the choice of digital documentaries, 3D feature movies but also the operators in the industry have started to drive their income through alternate sources like merchandise sales, food and beverages.

The demand and popularity of a particular art museum and gallery is heavily dependent on the authenticity and creativity of their content and historical artifacts that are displayed as the items will lead to a consumer interest and demand which will enhance consumer experience and also attract more tourism.

Overall, the industry outlook is positive especially with the combination of café and cultural centre that includes art gallery and museum both along with souvenir shop.

> ABORIGINAL CULTURAL TOURISM INDUSTRY

Aboriginal culture is the most ancient Aboriginal group in the world. NSW is home to the largest Aboriginal population and represented by more than 80 different Aboriginal groups with rich culture, history, tradition and each with a unique story to tell. Considering NSW has the largest Aboriginal population of the Aboriginal community, it does offer visitors some of the most accessible and authentic experiences in the nation. As per industry report from Destination NSW, the Aboriginal cultural tourism sector has grown significantly during the past few years. NSW is also the most popular State in Australia even for international travellers to experience Aboriginal cultural tourism and Destination NSW has reported that the sector is growing by almost 60% in visitor participation and results in around \$1.4 billion spent during their visit. It has been further observed that participation in Aboriginal cultural tourism experiences by domestic visitors has increased by 13% as well, the most updated data from Tourism Research Australia that as an estimate of around 470,000 visitors participated in Aboriginal cultural tourism. These brief facts have proven that there is an increased participation and interest from tourists in Aboriginal cultural tourism and NSW has proven to be the most favourite and highly attractive destination for the tourists and destinations that are culturally rich with Aboriginal community does have a gap to fulfil the market needs by brining the Aboriginal art and culture to the local and international community of tourists.

Marketing Strategy

> COMPETITIVE ANALYSIS

In the region of Dubbo and specifically in Wellington, there are a large number of café's and restaurants that offer similar food, snack and beverages option to the local community and tourists as well. The Maliyan Café and Cultural centre will differentiate itself through the inclusion of cultural experiences. Some of the café's and restaurants in the area that compete with the business are outlined below:

| 13. KFC Wellington |
|---------------------------|
| 14. McDonalds Wellington |
| 15. Arthur View |
| 16. Grand Hotel |
| 17. Cow and Calf |
| |

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| 6. Wild Bean Cafe | 18. Federal Hotel |
|--------------------------------|---------------------------------------|
| 7. Four Cats Coffee | 19. Lion's Club of Wellington |
| 8. The lion of waterloo Tavern | 20. Wellington Soldiers Memorial Club |
| 9. Food to go | 21. Wellington Golf Club |
| 10. Pacific Seafoods | 22. Baan Chang Thai Restaurant |
| 11. 75 on Arthur | |
| 12. Domino's | |
| 12. Domino s | |

> COMPETITIVE ADVANTAGE

As highlighted above, the key distinctive feature of this café is the business is offering awareness, education about the Aboriginal history, as well as displaying and selling Aboriginal art and souvenirs.

The other added advantage for the business is the central location, adjacent to a playground and park that hosts monthly markets.

In a nutshell, Maliyan Café and Cultural Centre will position itself as a unique café where its patrons can enjoy a cup of perfectly brewed coffee and quick bites and spend their time in an ambient and stress-free environment learning about history and culture of our Aboriginal Community.

> BUSINESS STRATEGY

The high-level strategy of the business is summarised by the following key points:

- Create a unique coffee experience combining with exceptional snacks, desserts and stress-free atmosphere close to nature.
- Bring in the authentic culture and history with relation to Aboriginal community that create awareness about history and also able to offer unique artifacts as memorable.
- ✓ Achieve customer satisfaction through high standards and excellent customer service.
- > SWOT ANALYSIS

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> MARKETING PLAN

The planned marketing strategy of this unique café and cultural centre will be a mix of online presence through tourism web platform, local ads and print media as well through physical distribution and publicising the business to attract tourists and local community by raising awareness. The marketing plan will primarily focus on the following points:

- **Quality** Unforgettable service and even freshly made coffee and various snacks offerings
- Authentic Bringing the authentic and traditional cultural stories, artifacts of Aboriginal community
- ✓ Atmosphere A vibrant, stress-free, centrally located and exciting experience
- Value Exceptional value for money and affordable
- ✓ Produce Fresh local produce supplies

> PROMOTIONAL STRATEGY

Being new in the market and focusing heavily on attracting tourist to the region, besides the physical presence in the high exposure area, it is critically important to promote the business at a more extensive level over social media platforms, tourism websites and print campaign. We have been working through the business model and are currently in planning for below promotional channels:

| Promotional Channel | Detail | | |
|---------------------|--|--|--|
| Website | We are planning on development of a business website that provides the details about our café, cultural centre, interactive storytelling sessions, artifacts, our concept in development of our traditional Aboriginal packaged food along with our café menu and an online form to provide reservation feature for various sessions like story telling or meeting room hires. | | |
| | Apart from own business website, we are also planning to promote this business on various other local community | | |

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| | platforms like Dubbo Regional Council Website, Tourism Sites for the region etc. |
|--------------------|--|
| Social Media Sites | We are planning to have interactive Google and Facebook pages, Instagram profile, where we communicate with our clients and provide regular updates and post pictures and deals from our delicious café food options, storytelling sessions, our artifacts and souvenirs pictures. |
| Print Campaign | We are also planning to advertise on local papers, forums, online etc. to promote our business and unique offerings to local community and domestic / international tourists. |
| Distribute Flyers | We are developing our take-away menu and flyers to increase community awareness and exposures. |

> MARKETING MIX

Product / Service: Offering freshly brewed coffee, freshly cooked pre-packaged desserts, hot food and a cultural centre to offer Aboriginal arts, storytelling sessions about the history and authentic souvenir.

Pricing: The business will maintain a flexible pricing strategy; the pricing will be influenced by the focus on quality and affordability yet will have a competitive pricing structure.

Proposed pricing structure across the business offerings are outlined below:

| CAFÉ PRODUCTS | PRICES (\$) | | PRICES (\$) |
|---|--|--|--|
| Hot Coffee Cold Coffee Hot Drinks Tea Milkshakes Soft Drinks Juices Water Iced Teas Pies Roll Chicken Specials Sandwiches Toast Cake Pieces Cookies Muffins Slices | 4.0 4.0 4.0 3.5 6.0 3.5 4.0 5.0 7.5 7.0 4.5 5.0 4.5 4.5 | Stubby Coolers Key Holders Pens Umbrellas Mouse Mat Mugs Glasses Aboriginal Flag Aboriginal Language Soy Candle Aboriginal Wood and Leaf oil Reconciliation pin CULTURAL DISPLAY Admission Fees Meeting Room Hire Story Telling Site tours | 10.0 10.0 5.0 15.0 10.0 10.0 10.0 40.0 30.0 25.0 5.0 2.0 2.0 2.0 2.0 2.0 2.0 2.0 2.0 |
| RETAIL PRODUCTS Aboriginal art & prints Postcards Aboriginal trinkets Reusable Shopping Bags T-Shirts Printed T-Towels Set of 4 coasters Magnets | 25.0 2.0 29.0 15.0 25 25 15 10.0 | | |

Position: Strategic location based on target market where the tourists in the region has a central spot and would love to learn about the cultural history and tradition of Aboriginal community.

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Promotion: The business is heavily planning an aggressive and creative promotional plan that will allow it to focus directly on the local community and tourists in the region while still being conservative with advertising costs. We will focus on promoting our food, coffee, cultural heritage, services, artifacts and arts, creating awareness and distributing with local community platform, online media, tourism channels and other social media channels.

People: Our Barista, customer service team, cultural officers and retail officers will be known for their experience and exceptional service delivery.

Process: Customer experience from start to end needs to be as seamless with quality of snacks, desserts, beverages will be outstanding along with authentic and natural delivery of history, stories, customs, traditions and artifacts of our Aboriginal community.

Online Presence: We are planning to have an interactive Facebook page, Instagram profile, where we communicate with our clients and provide regular updates and post pictures and deals from our delicious café food options, storytelling sessions, our artifacts and souvenirs pictures.

Operational Strategy

> STAFFING AND PERSONNEL PLAN

The Maliyan Cultural Centre and Cafe will be owned and operated by the Wellington Local Aboriginal Land Council. The following staff and positions are required for the café and cultural centre operating model:

- ✓ Operations Head (CEO)
- ✓ Cultural Officer
- ✓ Administration and Customer service officer
- ✓ Retail Administration Trainee
- ✓ Retail Assistants
- ✓ Café Supervisor
- ✓ Café Casual Assistants
- ✓ Café Trainees and Assistants

The two supervisors hired in the business will have appropriate experience to that enables them to contribute to running respective sides of the business, whilst also supporting training and skill development of retail and café assistants and trainees.

It is envisaged that the business will include formal, full time trainees and as well as provide opportunities for School Based Trainees.

Training to all staff will be continually provided in-house through experienced supervisors who will have relevant experience in the hospitality industry and retail sector, as well as through registered training organisations.

Elders and community members involved in story-telling and guide activities will also be supported in by a cultural officer who will assist in presenting Aboriginal culture to customers in an engaging way.

> TRADING HOURS

Anticipated trading hours are:

Café - Monday to Sunday 7am to 5pm

Cultural Centre - Monday to Sunday 7am to 5pm

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> PAYMENT TYPES ACCEPTED

Transactions: Cash, Visa, MasterCard & EFTPOS.

Supplier/Credit Terms: 30 days terms

> INSURANCE & CERTIFICATES

The following insurances and certificates are required before commencing trading:

- ✓ Property Insurance
- ✓ General Liability Insurance
- Trade membership of Aboriginal Art
- ✓ Workers Compensation
- ✓ Unemployment Insurance
- ✓ Fire Insurance if not covered as part of property policy
- ✓ Food handling certificate

> INVENTORY

The following inventory and equipment are required for the premises prior to the commencement of trading:

Kitchen / Kiosk

- ✓ Commercial kitchen (Stove, Benches, and Cooking utensils).
- ✓ Refrigeration (Bar Fridges/Fridges)
- ✓ Commercial Dishwasher
- ✓ Food Heater
- ✓ Grease Trap

Dining

- ✓ Tables & Chairs
- ✓ Furniture and Décor
- ✓ Cupboards/Shelves
- ✓ Cutlery, Glass wear & Utensils
- ✓ Bar Stools

Premises

- ✓ Signage
- ✓ Alarm & Security
- ✓ Till and Point of sales equipment
- ✓ Dividing Wall
- ✓ Hanging Rails
- ✓ Display Cases
- ✓ Computer
- ✓ Pamphlet display
- ✓ Bins
- ✓ Office Furniture
- ✓ Dining Chairs and tables
- ✓ Meeting room chairs
- ✓ Projector

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> RISK MANAGEMENT

| Risk | Likelihood | Impact | Strategy |
|----------------------------|--|--------|--|
| Fraud, vandalism, theft | Likely | High | Ensure that the office, café, museum, artifacts, retail shop is secure with safety procedures i.e. teller windows, safes, locks etc., as well security alarm and patrolling has been implemented |
| Litigation | adhere to legal poli operates in an ethic | | Ensure all business processes and operation adhere to legal policies and business operates in an ethical and transparent manner |
| Staff Injury | Unlikely | Low | Ensure that all café, retail store is compliant with Occupational Health and Safety standards to reduce risk of staff injuries. All staff must complete and adhere to OHS training. |
| Competition | Likely | Medium | Build strong relationships with client base and reward ongoing business. Also focus heavily on differentiation of offerings when it comes to promotion of business |
| Illness/Injury | Likely | Medium | Ensure all insurance certificates are valid and income protection is in place |
| Fire | Unlikely | High | Ensure all insurance certificates are valid |

Growth Strategy

The growth strategy of the café and cultural centre will focus on the expansion of the business through additional revenue streams which include:

Catering

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To expand the revenue streams, there is a potential to offer catering services to locals' events and businesses to cater for their needs when it comes to private functions, birthdays, office events and daily requirements.

Menu Expansion

Current menu only offers small desserts and snacks item, the business can potentially expand their menu range to offer lunch products, like pasta, burgers, hot chips etc. This will help to expand the services to cater for lunch needs and a specialised menu can be offered specific breakfast needs.

Food Markets and stalls

The business has a potential to plan out an event calendar for a year where the business would participate in local events with relation to food, culture or other community events which will help the business in local community awareness along with development of another income stream which will help us driving more sales by putting their food stalls and attract more tourists.

3D Visual Movies

The cultural centre can expand their movie offerings about various cultural and historical documentaries in a 3D version which can enhance consumer experience

Food delivery via mobile apps/online

There is a potential to sign up with delivery services applications and step into delivery offerings to local community while expand the network through renowned apps like menu log and uber eats.

Financial Summary

> CAPITAL COSTS AND INITIAL INVESTMENT

The investment total into this business is \$301,960. As this is a new business and also setting up as a social enterprise but also treated as an Aboriginal social enterprise, there will be government grant that will assist in securing the funds as well. Further, there will be some once-off capital establishment costs that wouldn't reoccur in ongoing financials. A summary of costs is outlined in below table:

| Item | Cost |
|--------------------------|----------|
| CULTURAL CENTRE | |
| Hanging Rails | \$6,000 |
| Move Display Boards | \$450 |
| 5 Display Cases | \$15,000 |
| 3 Vertical Display Cases | \$18,000 |
| Counter area 2 stools | \$450 |
| Register/POS System | \$4,000 |
| Pamphlet Display | \$2,000 |
| Projector | \$6,000 |
| Computer for Projector | \$4,000 |

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| Acquisition of museum items/Interpretation / Cultural Support Cost | \$100,000 |
|---|-----------|
| | \$155,900 |
| CAFÉ COSTS | |
| Dishwasher | \$3,500 |
| Grease Trap | \$15,000 |
| Bins | \$500 |
| Change Counter | \$8,000 |
| Electrical and Plumbing expenses | \$8,500 |
| Display Food Cabinet | \$6,500 |
| Food Heater | \$14,000 |
| Kiosk Dishwasher | \$3,500 |
| Refrigerator and Freezer | \$6,000 |
| Bar Fridge for coffee milk | \$1,000 |
| Crockery | \$3,000 |
| Cook Top | \$1,000 |
| Kiosk POS system and register | \$4,000 |
| Drinks Refrigerator | \$2,500 |
| Internal Chairs and Tables – 5 Tables of 4 chairs | \$7,000 |
| Outdoor Chairs and Tables | \$11,000 |
| | \$95,000 |
| PROJECT COSTS | |
| Drawings | \$10,000 |
| Signage | \$5,000 |
| Website Allowance | \$5,000 |
| Project Management (10% of total capital expenditure excluding cultural support cost) | \$18,300 |
| | \$38,300 |
| Total | \$289,200 |

As outlined above, a total cost of \$289,200 is anticipated as an establishment cost to set up the entire café and cultural centre which also includes the project management and cultural support cost.

> OPERATING COSTS

The anticipated ongoing operating costs are listed below. This is exclusive of cost of goods sold.

| Item | Cost |
|-----------------------------|---------|
| Insurance | \$4,000 |
| Bank/Merchant Fees | \$3,500 |
| Utilities (Electricity/Gas) | \$7,000 |

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| Marketing/Advertising | \$5,000 |
|------------------------------------|-----------|
| Wages | \$336,000 |
| Phone/Internet | \$2,000 |
| Maintenance | \$5,000 |
| Miscellaneous | \$10,000 |
| Security | \$10,000 |
| Cleaning Supplies | \$4,000 |
| Trade Membership of Aboriginal Art | \$375 |
| Total | \$386.875 |

WAGES BREAKDOWN

| Employee Type | Rate per Hour |
|---|---------------|
| Cultural Officer (Part-time) | \$35 |
| Administration and customer service officer (Full-time) | \$23 |
| Admin Retail Trainee (Full-time) | \$19 |
| Retail Assistants (Casual) | \$19 |
| Café Supervisor (Full-time) | \$30 |
| Café Casual Team Members (Casual) – 2 positions | \$25 |
| Café Trainees (Full-time) – 2 positions | \$19 |
| | |

➢ FINANCIAL STATEMENT

The following assumptions have been made concerning the below income statement, which is an anticipated snapshot of three-year trading based on objectives, costs, revenue and expenses.

- Anticipated weekly earnings of \$9,500 which is expected daily sales of approx. \$1,350 on both café and cultural centre (\$494,000 pa)
- ✓ The above projection is based on average weekly customer base of 675 consumers with an average spend of \$10.00.
- \checkmark 4% revenue growth across year 1 and year 2
- The above revenue growth is aligned with expected industry growth in above industry analysis for both café and cultural centre. The expected growth in café industry is around 5.6% while 2.5% expected growth in cultural centre.
- ✓ 2% CPI increase across expenses

| Profit / (Loss) for the period | Year 1 - Amount (\$) | Year 2 - Amount (\$) | Year 3 - Amount (\$) |
|--------------------------------|----------------------|----------------------|----------------------|
| Total Sales | \$494,000 | \$513,760.00 | \$534,310.40 |
| Less: | | | |
| Purchases | \$90,000 | \$91,800.00 | \$93,636.00 |
| Gross Profit | \$404,000 | \$421,960 | \$440,674 |
| Expenses | | | |
| Insurance | \$4,000 | \$4,080.00 | \$4,161.60 |
| Bank/Merchant Fees | \$3,500 | \$3,570.00 | \$3,641.40 |
| Utilities (Electricity/Gas) | \$7,000 | \$7,140.00 | \$7,282.80 |
| Marketing/Advertising | \$5,000 | \$5,100.00 | \$5,202.00 |
| Wages | \$336,000 | \$342,720.00 | \$349,574.40 |

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| Phone/Internet | \$2,000 | \$2,040.00 | \$2,080.80 |
|------------------------------------|-----------|--------------|--------------|
| Maintenance | \$5,000 | \$5,100.00 | \$5,202.00 |
| Miscellaneous | \$10,000 | \$10,200.00 | \$10,404.00 |
| Security | \$10,000 | \$10,200.00 | \$10,404.00 |
| Cleaning Supplies | \$4,000 | \$4,080.00 | \$4,161.60 |
| Trade Membership of Aboriginal Art | \$375 | \$382.50 | \$390.15 |
| | | | |
| Total Expenses | \$386,875 | \$394,612.50 | \$402,504.75 |
| Profit / (Loss) | \$17,125 | \$27,348 | \$38,170 |

> PROFIT & LOSS RATIOS

Based on the above financial statement, the following profit and loss ratios can be derived:

| Ratio | Year 1 | Year 2 | Year 3 |
|--------------|-----------|-----------|-----------|
| Gross Margin | 82% | 82% | 82% |
| Net Margin | 3% | 5% | 7% |
| Break Even | \$473,060 | \$480,463 | \$488,030 |

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REPORT: Implementation of Child Safe Standards Policy

DIVISION: REPORT DATE: TRIM REFERENCE: Organisational Performance 18 August 2022 ID22/1718

EXECUTIVE SUMMARY

| Purpose | | Fulfil legislated |
|---------------------|---|--|
| | Adopt a policy | requirement/Compliance |
| Issue | This report seeks approval of Council's new Child Safe Standards Policy. | |
| Reasoning | • The Child Safe Standards came into effect from 1 February 2022. The Office Children's Guardian have stipulated that | |
| | organisations are required to ensure that they have commenced implementation strategies within 12 months. | |
| Financial | Budget Area Community Culture and Places | |
| Implications | Funding Source | N/A |
| | Proposed Cost | NIL |
| | Ongoing Costs | NIL |
| Policy Implications | Policy Title | Child Safe Standards Policy |
| | Impact on Policy | Staff resources |
| Consultation | Governance and | Presented and endorsed by ELT |
| | Community | Report to Council for endorsement |
| | Services | Proposed Implementation within this report |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 4 Leadership |
|----------------------------|--|
| CSP Objective: | 4.1 Council provides transparent, fair and accountable leadership and governance |
| Delivery Program Strategy: | 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner |

RECOMMENDATION

That the draft Child Safe Standards Policy be adopted.

Jane Bassingthwaighte Director Community, Culture and Places

AR Manager Governance and Internal Control

BACKGROUND

In 2021 the Children's Guardian Amendment (Child Safe Scheme) Bill 2021 was passed by NSW Parliament. The object of this bill is to embed the Child Safe Standards as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse as the main framework that guides child safe practices within organisations across New South Wales.

The Child Safe Standards provide a benchmark against which organisations can create a child safe culture, assess their child safe capacity and set performance targets. The standards provide tangible guidance for organisations to drive a child safe culture, adopt strategies and act to put the interests of Children first, to keep them safe from harm.

The 10 Child Safe Standards are:

- 1. Child Safety is embedded in institutional leadership, governance and culture.
- 2. Children participate in decisions affecting them and are taken seriously.
- 3. Families and communities are informed and involved.
- 4. Equity is upheld and diverse needs are taken into account.
- 5. People working with children are suitable and supported.
- 6. Processes to respond to complaints of child sexual abuse are child-focused.
- 7. Staff are equipped with knowledge, skills and awareness to keep children safe through continual education and training.
- 8. Physical and online environments minimise the opportunity for abuse to occur.
- 9. Implementation of the Child Safe Standards is continuously reviewed and improved.
- 10. Policies and procedures document how the institution is child safe.

Previous Resolutions of Council

| 26 May 2022 | 1. | That Dubbo Regional Council makes a commitment to the |
|-------------|----|---|
| | 2. | implementation of the Child Safe Standards. That nominated employees form a Child Safe Standards |
| | | working group. |

REPORT

The Office the Children's Guardian (OCG) is an independent statutory body that promotes the interests, safety, and rights of children and young people in NSW. The OCG are responsible for providing support for organisations implementation and capacity building of the Child Safe Standards, as well as monitor and enforce compliance requirements if necessary.

In addition to the Child Safe Standards, local government services under the Children's Guardian Act 2019 are required to ensure that they have sound structures and practices in place regarding reportable conduct that promotes the wellbeing and safety of children as well as clear established guidelines for the reporting of any incidents that places children at risk of harm.

ORDINARY COUNCIL MEETING 25 AUGUST 2022

The Child Safe Standards came into effect from 1 February 2022. The OCG have stipulated that organisations that are required to ensure that they have commenced implementation strategies over the coming 12 months. From 1 February 2023, the OCG will commence monitoring and compliance checks and will issue non-compliance notices and infringement notices if required.

Accordingly a working party was formed within Council and the attached Child Safe Standards Policy has been drafted.

Consultation

- The membership of the internal working party included representatives from Community Services, Human Resources, Governance, Community Sport and Recreation, Community Facilities and Events.
- The working party considered the information provided from the OCG and the Office of Local Government (OLG), as well as information shared in forums by other Councils.
- Members of the working party presented the draft Child Safe Standards Policy to the Executive Leadership Team for feedback and endorsement, along with an implantation timeline.

Resourcing Implications

- Staff time
- Potential future reporting will have additional staffing implications

Planned Communications

Should the Policy be adopted;

- it will be available on Council's website
- it will be promoted to all staff and the reporting flow charts will be on staff notice boards etc
- the Policy will be presented to Council's Senior Leadership Team
- Key staff ('Champions') will be nominated from each division, or branch of Council to undertake a more involved role and be available to assist staff/reporters of conduct

Timeframe and Next Steps

| Activity | Date |
|--|------------------|
| Child Safe Standards Policy to Executive Leadership Team | 9 August 2022 |
| Child Safe Standards Policy to Council | 25 August 2022 |
| Child Safe Standards Policy to be available on DRC website | Late August 2022 |
| Child Safe Standards Policy to Senior Leadership Team | September 2022 |
| Designated Champion from each Branch to be nominated | September 2022 |
| Internal steps for reporting conduct to be finalised | September 2022 |
| (in line with industry practice) | |
| Reporting flow charts to be available on staff notice | October 2022 |
| boards and break rooms | |
| Information sessions for Champions and push to team | November 2022 |
| Toolbox talks | |

ORDINARY COUNCIL MEETING 25 AUGUST 2022

CCL22/216

| Child Safe Standards Policy added to new starter Induction sessions | December 2022 |
|---|----------------------|
| Inclusion of the Child Safe Standards Policy in relevant position descriptions or on-boarding processes | December 2022 |
| Mandatory Child Safe education sessions for all staff | February to May 2023 |
| Internal review of implementation | August 2023 |

APPENDICES:

1. Draft Council Policy - Child Safe Standards

ITEM NO: CCL22/216



Date

August 2022

Council Resolution Date

Clause Number

| Responsible Position | Director Community, Culture and Places |
|-----------------------|--|
| Branch | Community Services |
| Division | Community, Culture and Places |
| Version | 1 |
| TRIM Reference Number | |
| Review Period | 2 years |
| Review Date | August 2024 |
| Consultation | |

| Document Revision History | |
|---------------------------|------|
| Description | Date |
| | |
| Notes | |
| | |

DUBBO REGIONAL COUNCIL

POLICY

PURPOSE

The policy informs Councillors, employees, contractors and volunteers of their obligations in keeping children safe, specifically this Policy is to:

• To ensure Council is compliant with NSW child protection legislation, including; mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.

• To articulate the professional and legal obligations of Council staff in relation to child protection.

• To ensure Council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, students, and persons undertaking work experience and contractors/suppliers where a child or young person is involved.

• To promote the health, safety, welfare and wellbeing of children and young people.

• To ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.

• To ensure that Council is implementing best practice approaches to child protection, and in this regard is responding to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government.

The policy will inform Council policies, strategies and actions that align with the continual enhancement of child safety in all Council activities.

Commitment to child safety

Council is committed to protecting children and young people their right to be respected, empowered and safe. Council is dedicated to listening to their views and committed to it's responsibilities in keeping them safe.

BACKGROUND AND RELATED LEGISLATION

This policy complies with and supports implementation and compliance with the following policies and instruments, but is not limited to: Advocate for Children and Young People Act 2014 Child Protection (Offenders Prohibition Orders) Act 2004 Child Protection (Offenders Registration) Act 2000 Child Protection (Working with Children) Act 2012 Child Protection (Working with Children) Regulation 2013 Children and Young Persons (Care and Protection) Act 1998 Children and Young Persons (Care and Protection) Regulation 2012 DUBBO REGIONAL COUNCIL Page 2 Children's Guardian Act 2019 Environmental Planning and Assessment (EPA) Act 1979 Government Information (Public Access) Act 2009 Ombudsman Act 1974 Privacy and Personal Information Protection Act 1998 State Records Act 1998 The NSW Local Government Act (1993) Young Offenders Act 1997.

SCOPE

This policy applies to all Council staff, Councillors (Elected Members), contractors and subcontractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults that live in their home, Rainbow Cottage, communities for children, children and youth programs, community events, facility hirers and leasees.

DEFINITIONS

| Term | Meaning |
|--------------------|--|
| Allegation | A report of any conduct needs to be proven. Includes an allegation which involves behaviour that is reportable conduct, as well as behaviour that is exempt from notification to the NSW Office of the Children's Guardian, but which is required to be investigated by Council. |
| Assault of a Child | Assault of a child means— a. the intentional or reckless application of physical force without lawful justification or excuse, or b. any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence. It includes hitting, striking, kicking, punching or dragging a child as well as threatening to physically harm a child. |
| Child / children | A child is a person aged 16 years or under. |
| Child-Related Work | Work which involves Direct Contact by the worker with a child or children where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child in connection with at least one of the 20 legislated categories of child-related work, which include: education and care and child minding services clubs or other bodies providing programs and services for children entertainment for children – includes sporting, cultural or other entertainment venues used primarily by children and entertainment services for children transport services for children - including school bus services, taxi services for children with a disability and supervision of school road crossings |

DUBBO REGIONAL COUNCIL

APPENDIX NO: 1 - DRAFT COUNCIL POLICY - CHILD SAFE STANDARDS

| Term | Meaning | |
|--|---|--|
| | It may also include a worker who has access to confidential records or information about children. | |
| Direct contact | Means physical or face-to-face contact, and contact online. | |
| Disqualified Person | A person convicted of, or subject to proceedings relating to, any offence(s) prescribed in Schedule 2 to the <i>Child Protection (Working with Children) Act 2012</i> . | |
| Entity Report | A report required to be submitted by Council to the NSW Office of the Children's Guardian in relation to all investigations into reportable allegations, conduct or convictions conducted by the Council | |
| Head of Entity | The Chief Executive Officer of the Dubbo Regional Council. | |
| Ill-treatment of a Child | Means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel. Ill-treatment includes: 1. making excessive or degrading demands of a child 2. a pattern of hostile or degrading comments or behaviour towards a child 3. using inappropriate forms of behaviour management towards a child | |
| Investigation | The process in which the Dubbo Regional Council: | |
| (of Reportable Allegations or Conduct) | gathers all relevant facts manages risks to children, employees and the organisation during an investigation makes an assessment as to whether an allegation is reportable under the Reportable Conduct Scheme notifies the Children's Guardian of the Reportable Allegation or conduct makes a finding of Reportable Conduct including whether an allegation is sustained or not provides information to assist any relevant employment proceedings. | |
| Mandatory Reporter | A mandatory reporter is: a. a person who, in the course of their professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children; and b. a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children. | |
| Neglect of a Child | A significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by: a. a person with parental responsibility for the child, or b. an authorised carer of the child, or c. an employee, if the child is in the employee's care. Neglect includes failing to protect a child from abuse and/or exposing a | |

DUBBO REGIONAL COUNCIL

| Term | Meaning |
|-----------------------|--|
| | child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing. |
| Statutory Authority | Include: The NSW Police Force, a government department or a public authority, a government school or a registered non-government school or TAFE, a public health organisation or a private hospital, a private fostering agency or a private adoption agency, a designated agency which is a department of the Public Service or an organisation that arranges out of home care, any agencies that conduct a residential child care centre or a child care service, any other organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children. |
| Reasonable grounds | An objective basis for suspecting that a child or young person may be at risk of significant harm based on: first hand observation of the child or family, what the child, parent or another person has disclosed, and what can reasonably be inferred based on professional training and/or experience. |
| Reportable Allegation | A reportable allegation in relation to an employee of Council, means: a. if the employee holds, or is required to hold, a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment, or b. if the employee is not required to hold a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside the course of the employee's employment with the public authority. |
| Reportable Conduct | Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded: a. a Sexual Offence, b. Sexual Misconduct, c. Ill-Treatment of a Child, d. Neglect of a Child, e. an assault against a child, f. failure to reduce or remove the risk of a child becoming a victim of abuse or concealing child abuse, g. behaviour that causes significant emotional or psychological harm to a child. |

DUBBO REGIONAL COUNCIL

| Term | Meaning |
|-----------------------------|---|
| Reportable Conviction | Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include : 1. displaying behaviour patterns that are out of character, 2. regressive behaviour, 3. anxiety or self-harm. A conviction, (including a finding of guilt without the court proceeding to |
| | a conviction), in NSW or elsewhere, of an offence involving reportable conduct. |
| Risk of Significant Harm | Risk of significant harm is present if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any of one or more of the following circumstances: a. the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met, b. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care; in the case of a child or young person who is required to attend school in accordance with the <i>Education Act 1990 (NSW)</i> – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act; or the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated, c. the child or young person is living in a household where there have been incidents of domestic violence and as a consequence, the child or young person is at risk of serious physical or psychological harm, d. a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm, and/or e. the child was the subject of a pre-natal report under section 25 of the <i>Children and Young Persons (Care and Protection Act) 1998 (NSW)</i> and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report. (This information would only be obtained through an information sharing process with a child heath related agency). |
| Student on Placement | Any person aged 18 years and over undertaking practical training as part of an educational or vocational course (other than as a high-school student undertaking work experience). |
| Young Person / People | A person who is aged 17 or 18 years old. |

DUBBO REGIONAL COUNCIL

POLICY

Background

The Office of the Children's Guardian introduced the Child Safe Standards to improve the way organisations provide services for children and young people to prevent and respond to child abuse that may occur within organisations. The Child Safe Standards are a central feature of the NSW Government's response to the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse (2017).

The Child Safe Standards are:

- Standard 1: Child safety is embedded in organisations leadership, governance and culture
- Standard 2: Children participate in decisions affecting them and are taken seriously

Standard 3: Families and communities are informed and involved

Standard 4: Equity is upheld, and diverse needs are taken into account

Standard 5: People working with children are suitable and supported

Standard 6: Processes to respond to complaints of child abuse are child focused

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

Standard 10: Policies and procedures document how the organisation is child safe.

Involving children in decision-making

Council supports the active participation of children in our services, programs and events. Council will provide accessible opportunities and encourage children to take part in decisions that affect them now and in the future. This is to:

- Help us better meet their needs and interests
- Involve them in their community
- Encourage them to share their ideas and opinions
- Teach them a new skill.
- (

Wherever applicable, we inform children and young people about what they can do if they feel unsafe.

Recruitment and selection

Council employs a fit for purpose recruitment and selection process for all direct contact work with a child or young person where contact is a usual part of and more than incidental to the work as defined by the *Child Protection (Working with Children) Act* 2012. A current Working with Children Check (WWCC) is required for all child-related work.

DUBBO REGIONAL COUNCIL

Training and induction

Council will meet its training and induction obligations by ensuring that all Councillors, employees, volunteers and contractors are inducted in child safety and understand that child safety is everyone's responsibility. Councillors, employees, volunteers and contractors will be provided with training to support their understanding of Councils commitment to child safety and that everyone has a role to play in safeguarding children.

Reporting a child safety concern or complaint

A reportable allegation is made where a child, young person, or adult makes an allegation, based on a reasonable belief that a Councillor, employee, contractor, or volunteer of Dubbo Regional Council has been, or allegedly been, involved in the harm or abuse of a child or young person. All reportable allegations of child abuse must be reported to the Manager Community Services (this is Council's Child Protection Officer).

Allegations can be reported by children or young people, families, Councillors, employees, contractors or volunteers. Council must immediately take the appropriate steps to assess and minimise any further risk of harm, as well as report the matter to the relevant oversight agencies (Department of Communities and Justice / Office of the Children's Guardian) and/or Police. Council will support relevant authorities' investigations into allegations of abuse or risk of harm to children and young people.

Council will meet its mandatory reporting obligations and will take action to protect children and young people at risk of significant harm.

For the purposes of this policy a child is a person who is 16 years or under, and a young person is 17 or 18 years of age.

See Appendix – Universal Child Safe Reporting Process.

Privacy and confidentiality

Council is committed to protecting an individual's right to privacy. All personal information considered during the process of reporting or investigation will be collected and managed in accordance with Council's Privacy Management Plan. Personal information will only be disclosed to another party if there is a legislative requirement for such disclosure. However, there may be instances where confidentiality is not possible as parties are implied i.e. by process of elimination.

Risk management

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur and this informs all associated policies, strategies and actions.

DUBBO REGIONAL COUNCIL

APPENDIX NO: 1 - DRAFT COUNCIL POLICY - CHILD SAFE STANDARDS

To ensure Council maintains a child safe culture all Councillors, employees, contractors and volunteers will be informed, resourced and supported to understand their role in providing a child safe environment.

RESPONSIBILITIES

Council

Publicly commits to child safety and embeds a child safe culture.

Chief Executive Officer

The Chief Executive Officer is responsible for ensuring that Council fulfills its responding and reporting obligations and to notify the Office of the Children's Guardian (NSW) when an allegation of child abuse is made against a Councillor, employee, volunteer or contractor. The Chief Executive Officer is committed to an implementation plan for this Policy.

Directors

Directors are responsible for ensuring compliance with this policy and that all employees, contractors and volunteers are informed, resourced and supported to understand their role in providing a child safe environment.

Child Protection Officer - Manager Community Services

Council's Manager Community Services has been appointed as the Child Protection Officer and their responsibilities are:

- provide ongoing support and response to concerns about the safety and wellbeing of children while engaged in services, programs or events delivered by council.
- to notify the Office of the Children's Guardian (NSW) when an allegation (of which they are aware) of child abuse is made against a Councillor, employee, volunteer or contractor.

Council employees, contractors and volunteers

Employees, contractors and volunteers shall adhere to the requirements of this policy, reportable conduct and responding and reporting obligations and be able to demonstrate their awareness of their child safety responsibilities.

All staff should be aware that the appointment by Council of a Child Protection Officer does not remove mandatory reporting obligations that other Officers of Council may have under s27 of the *Children and Young Persons (Care and Protection) Act* 1998.

All staff shall adhere to their responding and reporting and reportable conduct obligations and take action when a child or young person is at risk of significant harm.

DUBBO REGIONAL COUNCIL

Appendix 1:

Universal Child Safe Reporting Process (to be displayed on notice boards and staff areas)

| Council employee, including volunteers, student placement and council Image: Council employee, including volunteers, student placement and council Image: Council employee, including volunteers, student placement and council Image: Council employee, including volunteers, student placement and council Image: Council employee, including volunteers, student placement and council Image: Council employee, including volunteers, student placement and council Image: Council employee, including: Image: Council employee, who can then direct to DRC Children Safety Reporting Officer, Manager Community Services Image: Council employee, or and inform DRC Children Safety Reporting Officer Manager Community Services Image: Council employee, or and inform DRC Children Safety Reporting Officer Manager Community Services Image: Council employee, or and inform DRC Children Safety Reporting Officer Manager Community Services Image: Council employee, or and inform DRC Children Safety Reporting Officer Manager Community Servi | | Parent/Carer | Child | Community Member |
|---|-------------------|--|---|---|
| What to report including: allegation/suspicion/observat breach of Child Safe Code of Conduct general safety/environmental concerns How to report Members of the Community: Parents, carers, children and community members can report verbally, face-to-face, letter, email, telephone call or meeting Call 000 if a child is immediate danger Who to report to Members of the Community Report to ANY Council employee who can then direct to DRC Children Safety Reporting Officer, Manager Community Services Internal Staff Report directly to the Manager Community Services and Cc Dire What happens next Incident involves a child Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services What happens next • All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. • Support offered to the child, parent/carer, person who made the | who can report it | Council employee, including voluntee | ers, student plac | |
| What to report including: allegation/suspicion/observat breach of Child Safe Code of Conduct general safety/environmental concerns How to report Members of the Community: Parents, carers, children and community members can report verbally, face-to-face, letter, email, telephone call or meeting Call 000 if a child is immediate danger Who to report to Members of the Community Report to ANY Council employee who can then direct to DRC Children Safety Reporting Officer, Manager Community Services Internal Staff Report directly to the Manager Community Services and Cc Dire What happens next Incident involves a child Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services What happens next • All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. • Support offered to the child, parent/carer, person who made the | T | | | |
| Members of the Community: Parents, carers, children and community members can report verbally, face-to-face, letter, email, telephone call or meeting Call 000 if a child is i immediate danger Members of the Community Report to ANY Council employee who can then direct to DRC Children Safety Reporting Officer, Manager Community Services Internal Staff Report directly to the Manager Incident involves a child Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services What happens next All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. | What to report | | allegation/s breach of Cl Conduct general safe | suspicion/observation hild Safe Code of |
| How to report Parents, carers, children and community members can report verbally, face-to-face, letter, email, telephone call or meeting Call 000 if a child is immediate danger Who to report to Members of the Community Report to ANY Council employee who can then direct to DRC Children Safety Reporting Officer, Manager Community Services Internal Staff Incident involves a child Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services What happens next Incident involves a child What happens next All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. • Support offered to the child, parent/carer, person who made the | Ļ | 1 | | Ļ |
| Who to report to Report to ANY Council employee who can then direct to DRC Children Safety Reporting Officer, Manager Community Services Report directly to the Manager Community Services and Cc Direction Safety Reporting Officer, Manager Community Services Incident involves a child Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services What happens next All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. Support offered to the child, parent/carer, person who made the | How to report | Parents, carers, children and community members can report verbally, face-to-face, letter, email, | | all 000 if a child is in immediate danger |
| Who to report to Report to ANY Council employee who can then direct to DRC Children Safety Reporting Officer, Manager Community Services Report directly to the Manager Community Services and Cc Direct Services and Cc Direct Services Incident involves a child Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services What happens next All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. Support offered to the child, parent/carer, person who made the | + | | | |
| What happens next Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. Support offered to the child, parent/carer, person who made the | Who to report to | Report to ANY Council employee who can then direct to DRC Children Safety Reporting Officer, Manager | Report directly | |
| What happens next Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. Support offered to the child, parent/carer, person who made the | ¥ | | | |
| report and involved/affected council employees. | What happens next | Concerns about/disclosures from/about a child must be reported immediately by council employees to their direct supervisor and inform DRC Children Safety Reporting Officer Manager Community Services All instances of suspected or know child abuse must be reported to NSW Police Where report concerns a Risk of Significant Harm, a report will be made to the Child Protection Helpline on 132 111. Support offered to the child, parent/carer, person who made the | | |
| ↓ | + | · · · | | |
| What happens nextIncident also involves inappropriate behaviour or poses a serious risk council employeeWhat happens nextConcerns about/disclosures relating to inappropriate behaviour, or seri risk of abuse, must be reported immediately by council employees to th direct supervisor, or to the manager above if the concerns relate to the | What happens next | council employee Concerns about/disclosures relating to risk of abuse, must be reported imme | o inappropriate diately by coun | behaviour, or serious cil employees to their |

DUBBO REGIONAL COUNCIL

| | direct supervisor. |
|---------|--|
| | Where the incident involves a serious risk of abuse of a Child by a council employee, protective measures will be put in place by the relevant manager, in consultation with People, Culture and Safety. People, Culture and Safety will initiate internal processes to clarify the nature of the complaint and disciplinary processes will be commenced (if required). |
| | Where the incident concerned occurred while a Child was under the duty of care of Child and Family Services (CFS), CFS will assess if the incident warrants a report to the Department of Education, and make the report where required. |
| | People, Culture and Safety in consultation with DRC Child Safety Reporting Officer and relevant managers will decide, in accordance with legal requirements and duty of care, whether the matter should/must be report to Police and/or the Child Protection Helpline and make report as soon as possible if required. |
| | People, Culture and Safety with DRC Manager Community Services will assess whether the behaviour is Reportable Conduct, and where appropriate a notification is made to the Office of the Children's Guardian within seven days. |
| | People, Culture and Safety or an independent third party investigator conducts full investigation. |
| + | |
| Outcome | Investigation completed and outcome decided Relevant council employees, parent/child notified or community member notified of outcome of investigation. Disciplinary action taken (where required); policies, procedures and risk management plans reviewed and updated. |

DUBBO REGIONAL COUNCIL

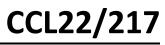


REPORT: D21-569 - 8 Tony McGrane Place Dubbo - Recreation Facility (Indoor) -Development Contributions

DIVISION:Development and EnvironmentREPORT DATE:18 August 2022TRIM REFERENCE:ID22/1723

EXECUTIVE SUMMARY

| Purpose Issue | To advise Council of the request to waive development contributions for road, stormwater drainage, water and sewer in support of D21-569 Recreation Facility (Indoor) at 8 Tony McGrane Place, Dubbo and to seek Council's endorsement whether to waive any or all of these contributions. Payment of Development Contributions Manage impacts on Council's existing infrastructure | |
|---------------------|---|---|
| Reasoning | • To ensure adequate funding is provided to cater for the anticipated impact of the proposed development on existing Council infrastructure | |
| Financial | Budget Area | Infrastructure |
| Implications | Funding Source | Development Contributions under s.7.11 - Environmental Planning and Assessment Act, 1979 s.64 - Local Government Act, 1993 |
| | Proposed Cost Ongoing Costs | \$221,396.98 - Roads \$17,144.49 - Stormwater / Drainage \$437,258.21 - Water supply \$119,218.83 - Sewer headworks Development Contributions |
| Policy Implications | Policy Title | Local Government Act, 1993 Environmental Planning and Assessment Act, 1979 Water Management Act, 2000 State Environmental Planning Policy (Planning Systems) 2021 SEPP (Transport and Infrastructure) 2021 Water and Sewerage Contribution Policy - 2002 S.94 Contributions Plan - Urban Stormwater Drainage Headworks Contributions 2019 Amended s.94 Contributions Plan - Roads, Traffic Management and Car Parking - 2016 |



| | Planning Circular D6 - Crown Development Applications and Conditions of Consent |
|--------------|--|
| Impact on Po | licy There are no policy impacts arising from this |
| | report |

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

| Theme: | 2 Infrastructure |
|----------------------------|--|
| CSP Objective: | 2.2 Infrastructure meets the current and future needs of our community |
| Delivery Program Strategy: | 2.2.1 Water and sewer infrastructure and services meet the needs of the community |
| Theme: | 2 Infrastructure |
| CSP Objective: | 2.2 Infrastructure meets the current and future needs of our community |
| Delivery Program Strategy: | 2.2.3 Urban drainage systems meet the needs of the community |
| Theme: | 2 Infrastructure |
| CSP Objective: | 2.1 The road transportation network is safe, convenient and efficient |
| Delivery Program Strategy: | 2.1.2 The road network meets the needs of the community in terms of traffic capacity, functionality and economic and social connectivity |

RECOMMENDATION

That Council determine the level of development contributions for the proposed Crown Recreation Facility (Indoor) at 8 Tony McGrane Place, Dubbo from the following three options:

- a. Support the request to waive all contributions; or
- b. Not require contributions under s7.11 of the Environmental Planning and Assessment Act, 1979 for roads and stormwater drainage, but endorse the requirements for any water supply and sewerage headworks to be levied (payable prior to release of a 'compliance certificate' under s.307 of the Water Management Act, 2000 and prior to the use of the development);
- c. Reject the request to waive all contributions.

Stephen Wallace Director Development and Environment *BM* Senior Planner

BACKGROUND

Dubbo Sports Hub stage 1 which aimed to develop an indoor centre that was equivalent to those found in other similar sized regional centres and in some cases smaller centres. A position of Council at that time was an in-kind contribution of Council that equated to \$900,000 depending on the individual grant applied for. The majority of funding was proposed to be coming from NSW and Australian Government with approximately \$4,000,000 of funding commitment from PCYC. The value of the CSU land contribution was valued at \$980,000.

On 29 September 2021, a Crown application for a proposed Recreational Facility (Indoor) ('the proposal') at Lot 902 DP 1033617, 8 Tony McGrane Place, Dubbo was lodged with Council.

The proposal comprises the following items:

- 1. Reception/ kiosk, foyer, youth hub and security area
- 2. 499m² multipurpose space
- 3. 79m² learning space
- 4. 376m² gymnasium
- 5. 204m² boxing area including ring
- 6. Male, female and umpire change rooms and amenities
- 7. 49m² event management room
- 8. Storage areas
- 9. 1,093m² gymnastics area
- 10. Five indoor multi-sports courts, providing playing surfaces for netball, basketball and futsal (4,197m²)
- 11. Retractable seating for up to 500 patrons.

Associated landscaping and infrastructure provisions, including vehicular access and stormwater, are also proposed. For a locality map of the site see **Figure 1**.

ORDINARY COUNCIL MEETING 25 AUGUST 2022

CCL22/217



Figure 1: Site location

The application was referred to the Western Region Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Clause (4) of Schedule 7 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is development for Crown development with a capital investment value (CIV) over \$5 million.

Following the Panel's meeting on 22 June 2002, the Crown applicant objected to two conditions:

- Condition B1 as it related to the Payment of Development Contributions for (a) Water Supply, (b) Sewerage, (c) Stormwater Drainage and (d) Urban Roads
- Condition B4 as it related to Stormwater Management Senior Campus Flows.

The Crown applicant lodged an amended Civil Engineering Design Drawing - Stormwater on 11 July 2022 giving effect to the Stormwater Management objection. This was subsequently considered by Council's Infrastructure Strategy and Design, with an amended design and draft conditions submitted to the Crown for endorsement on 8 August 2022.

However, the matter relating to the payment of development contributions remains outstanding, with a formal request, attached as **Appendix 1**, to waive all contributions made on 19 July 2022, which is the subject of this report.

REPORT

Development Contributions

Section 7.11 of the Environmental Planning and Assessment Act 1979 and Section 64 of the Local Government Act 1993 enables councils in New South Wales to levy contributions on a development where that development generates an increased demand on council's services and facilities.

These contributions are intended to ensure that ratepayers are not required to meet the cost of providing new or expanded infrastructure supporting new or expanded development.

Dubbo Regional Council has Contributions and Development Servicing Plans for the embellishment of public open space, community facilities, urban stormwater drainage, carparking for commercial developments, water supply, sewerage headworks and roads.

Proposed Development

The following contributions plans are relevant to the assessment of the proposal and considered in the recommended conditions to the Panel on 22 June 2022:

S.64 Water and Sewerage Contribution Policy - 2002

This Policy determines the requirement for both Water and Sewerage Headworks contributions pursuant to Section 64 of the Local Government Act, 1993.

Water Contribution of **\$437,258.21** and Sewer Contribution of **\$119,218.83** were conditioned in support of the proposal for water supply and sewer headworks.

S.94 Contributions Plan - Urban Stormwater Drainage Headworks Contributions 2019

The proposal will require the discharge of stormwater into Council's stormwater drainage system and therefore, urban stormwater contributions are applicable.

The site is located in Catchment 4.4 - Samuels Estate Drainage, draining to Troy Creek which is a major stormwater disposal corridor for Dubbo, and contributions are levied on a per ha rate.

Stormwater Drainage Contribution of **\$17,144.49** was conditioned for Stormwater Drainage.

S.94 Contributions Plan - Roads, Traffic Management and Car Parking – 2016 (amended)

The Plan provides for Council to levy contributions on new development where there is an increase in density or activity as a result of a development. The Plan allows Council to levy contributions to offset the impacts associated with new developments.

Under the provision of Clause 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, such as this application.

While the development does not fall within a strict land use as identified in the Policy, no traffic analysis or justification was provided by the applicant. Notwithstanding, Recreation - Gymnasium for the Gymnasium area and Other Office for the balance of the proposed development were utilised in the contribution calculations, which amounted to an overall contribution of **\$221,396.98** for Urban Roads Contributions.

Crown Development

The Department of Planning and Environment, Planning Circular D6 - Crown Development Applications and Conditions of Consent, outlines the limitation on imposition of levies on Crown developments with an underlying philosophy of essential community services: education, health, community services, law and order and some housing.

The proposal is defined as a recreational facility (indoor), which is:

...a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The site is zoned SP2 - Educational Establishment, and recreation facility (indoor) is not expressly permitted, and therefore prohibited. However, the proposed development of a recreation facility (indoor) while not an 'Educational Establishment', is considered ancillary to the CSU - Dubbo campus and as such permitted with consent.

This position is consistent with Clause 3.46(5) of Chapter 3 - Educational Establishments and Child Care Facilities in SEPP (Transport and Infrastructure) 2021, where the carrying out of development that provides for the physical, social, cultural or intellectual development or welfare of the community, is permitted with consent.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Note that the term infrastructure in this instance refers to the 'Educational establishment' and the proposal is considered to be consistent with this zone objective as it provides for the physical, social, cultural or intellectual development or welfare of the community.

As a development ancillary to an 'Educational establishment', a formal request, attached as **Appendix 1**, to waive the requirement to pay development contributions for Water Supply, Sewerage, Stormwater Drainage and Urban Roads has been made under these guidelines on the basis that the project represents a material public benefit to the community through the provision of a "... modern state of the art sporting facility."

Road Contributions

As part of the assessment and consideration of the proposal, appropriate conditions have been included limiting construction access to a single stabilised entry and onsite vehicular management and in relation to the acquisition, classification and construction of the proposed extension of River Street.

While discussions between the Crown applicant and Council to identify issues to be addressed prior to lodging the development application did not occur in accordance with the "... Suggested Procedures Prior to Lodging a Crown DA" outlined in Planning Circular D6, the public benefit associated with the site entrance is noted.

Therefore, noting Planning Circular D6 - Crown Development Applications and Conditions, it is recommended that a condition for road contributions under s7.11 of the Environmental Planning and Assessment Act, 1979, not be required in lieu of the conditioned acquisition, classification and construction of the proposed extension of River Street.

Drainage Contributions

As part of the assessment and consideration of drainage works, Planning Circular D6 encourages Council and Crown agencies to apply techniques which ensure that development does not contribute to additional run-off, particularly in established areas. This should be taken into account when councils levy contributions.

As noted previously in this Report, an amended Civil Engineering Design Drawing -Stormwater was lodged with Council on 11 July 2022 and it has been considered by Council's Infrastructure Strategy and Design, with an amended design and conditions returned to the Crown on 8 August 2022, addressing stormwater.

If the amended design and conditions are accepted by the Crown, it is therefore recommended, noting Planning Circular D6 - Crown Development Applications and Conditions, that a condition for stormwater contributions under s7.11 of the Environmental Planning and Assessment Act, 1979, not be required in lieu of the conditioned movement of stormwater from the site.

Water supply and Sewerage headworks

Council can require developers to undertake works or to pay part of the whole cost of these works using the combined authority under s64 of the Local Government Act 1993 and Part 2 of the Water Management Act 2000.

Council's Water and Sewerage Contribution Policy was last reviewed in 2020, to provide a clear direction for the calculation of water and sewer contributions to ensure contributions accurately reflect the costs of providing a development with reticulated water and sewer services until a new Plan can be prepared and adopted by Council.

Water supply and sewer headworks were subsequently assessed and calculated under the provisions of this policy.

Noting the Crown objection to the amount of contributions to be levied and the complex nature of water and sewer contributions given the wide variety of different development types, the use of Council's policy may not always accurately or fairly reflect the demand for water and sewer services generated by a proposal.

In this case, the Crown applicant was invited in response to their objection, to provide Council with 'real world data', including average usage rates for a similar development anywhere in NSW. These figures would then be used by Council in the calculation of water and sewerage contributions. This data has not been submitted to Council.

As an alternative consideration to facilitate on going assessment, Council can require a 'Certificate of Compliance' for water supply works, sewerage works.

Therefore, it recommended that a condition in relation to water and sewer requiring a 'compliance certificate' under Section 307 of the Water Management Act, 2000 for water supply and headworks be obtained prior to the use of the development.

This will allow the Crown applicant to proceed with the approval, while making an application to Council's Water Supply and Sewerage Branch in order to fully assess the impacts of the proposal and, if required, to be issued a 'Notice of Requirements' letter detailing development requirements, which may include contributions, that must be met prior to the operation of the development.

Notwithstanding the above, neither of these alternative options have been pursued by the Crown applicant, with the formal request made to waive all contributions being forwarded to Council on 19 July 2022.

Consultation

- Council's Infrastructure Strategy and Design
- Council's Water Supply and Sewerage Branch
- Crown's Applicant (Premise Consulting Pty Ltd)
- Public Works Advisory

Resourcing Implications

The following resourcing implication are applicable:

Option 1

Revenue will be forgone from calculated contributions generated from the proposal in the amount of **\$795,018.51**, made up of the following:

S. 7.11 Contributions

• \$221,396.98 in roads contributions;

Noting that a public benefit will result from the conditioned acquisition, classification and construction of the proposed extension of River Street in lieu of road contributions.

• \$17,144.49 in stormwater drainage contributions; and

Noting that a public benefit will result from the conditioned movement of stormwater from the site in lieu of stormwater drainage contributions.

S.64 Contributions

- \$437,258.21 in water supply contributions; and
- \$119,218.83 in sewer headwork contributions.

Works would be funded from user charges and other contributions that cater for the increased demand on Council's water supply and sewer services and facilities.

However, it may be considered by Council that the provision of the proposed Recreation Facility reflects an overall material public benefit to the community in lieu of all calculated contributions.

Option 2

The cost to Council for the proposal are anticipated to be neutral for Council given the following considerations:

- A public benefit will result from the conditioned acquisition, classification and construction of the proposed extension of River Street in lieu of road contributions;
- A public benefit will result from the conditioned movement of stormwater from the site in lieu of stormwater drainage contributions;
- Council's Water Supply and Sewerage Branch will assess the development and, if required, issue a 'Notice of Requirements' letter detailing any necessary water and sewerage work conditions, including any contributions, prior to the use of the development.

Option 3

To manage the increased demand of the proposal on Council's road network and the drainage, water supply and sewer services and facilities, Council levy the calculated contribution amount of **\$795,018.51**, made up of the following:

- \$221,396.98 in roads contributions;
- \$17,144.49 in stormwater drainage contributions;
- \$437,258.21 in water supply contributions; and
- \$119,218.83 in sewer headwork contributions.

Options Considered

Council has the following options:

1. Council support the request to waive all contributions as outlined in this report.

This option does not reflect the contribution calculated intensification of use of the proposal on existing infrastructure provided by Council, including road network, drainage, water supply and sewer headworks. It may however be considered by Council to reflect the material public benefit to the community of the provision of the proposed Recreation Facility.

2. Council not require contributions under s.7.11 relating to roads and stormwater drainage noting the public benefit provided in relation to the acquisition, classification and constructions of the proposed extension of River Street and the conditioned movement of stormwater off site respectively.

The requirements under s.64 of the Local Government Act, 1993 for water supply and sewerage headworks be retained as a condition requiring a 'compliance certificate' to be issued by Council under s.307 of the Water Management Act, 2000 for water supply and headworks prior to the use of the development.

This is the option that best manages the proposal's impacts on Council's existing water and sewerage infrastructure. However, it is noted that this option can delay the determination of the Development Application if the Crown does not accept this condition, triggering the mechanism for a referral of the application to the Planning Minister under Division 4.6 Crown Development of the Environmental Planning and Assessment Act 1979.

3. Council reject the request to waive all contributions.

This option will delay the determination of the Development Application, trigger the mechanism for a referral of the Development Application to the Planning Minister under Division 4.6 Crown Development of the Environmental Planning and Assessment Act 1979.

APPENDICES:

1 Request to Waive Contributions



19 July 2022

CEO202200396

Our Ref: Your Ref: D2021-569 Part 1

Dubbo Regional Mayor Dubbo Regional Council PO Box 81 Dubbo NSW 2830

DUBBO INDOOR MULTI-SPORT FACILITY / REQUEST FOR REMOVAL OF DRAFT DEVELOPMENT CONSENT CONDITION B1

Dear Sir,

Further to Dubbo Regional Council's draft development consent conditions letter dated 7 June 2022 (attached), with reference to Part B, Condition B1 Payment of Contributions which includes (a) Water Supply, (b) Sewerage, (c) Stormwater Drainage and (d) Urban Roads, we request Dubbo Regional Council waive the requirement to pay contributions on the basis that the project represents a material public benefit to the community through the provision of a modern state of the art regional sporting facility.

It should be noted the contributions requested in Condition B1 would go back into project delivery.

Regards

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Dominic Teakle Chief Executive Officer Police Citizens Youth Club NSW