



AGENDA

ORDINARY COUNCIL MEETING

22 MARCH 2021

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

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

PRAYER:

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

ACKNOWLEDGEMENT OF COUNTRY:

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

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- CCL21/35 DUBBO INCLUSION IN SUBSIDISED AIRLINE FLIGHTS (ID21/453) 24**
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- CCL21/36 LOCAL NEWS SERVICE FOR WESTERN NSW (ID21/457) 26**
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- CCL21/37 AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING MINUTES 20 NOVEMBER 2020 (ID20/1536) 27**
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- CCL21/38 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 8 MARCH 2021 (ID21/391) 30**
The Council had before it the report of the Development and Environment Committee meeting held 8 March 2021.

- CCL21/39 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING 8 MARCH 2021 (ID21/392) 35**
The Council had before it the report of the Infrastructure and Liveability Committee meeting held 8 March 2021.

- CCL21/40 REPORT OF THE CULTURE, ECONOMY AND CORPORATE COMMITTEE - MEETING 8 MARCH 2021 (ID21/393) 43**
The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 8 March 2021.

NOTICES OF MOTION:

- CCL21/41 HOUSING AVAILABILITY (ID21/394) 48**
Council had before it a Notice of Motion dated 10 March 2021 from Councillor S Lawrence regarding Housing Availability.

- CCL21/42 APEX OVAL PARKING (ID21/396) 52**
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NOTICES OF RESCISSION:

- CCL21/43 FOCUSING ON THE BEAUTIFICATION OF THE MACQUARIE RIVER CORRIDOR OF THE DUBBO CENTRAL BUSINESS DISTRICT (ID21/448) 54**
Council had before it a Notice of Motion of Rescission dated 11 March 2021 from Councillor's B Shield, G Mohr and K Parker.

REPORTS FROM STAFF:

- CCL21/44 DRAFT PLANNING AGREEMENT - UUNGULA WIND FARM - RESULTS OF PUBLIC EXHIBITION (ID21/150) 58**
The Council had before it the report dated 15 March 2021 from the Manager Growth Planning regarding Draft Planning Agreement - Uungula Wind Farm - Results of Public Exhibition.
- CCL21/45 POST EXHIBITION - PLANNING PROPOSAL 2R GILGANDRA ROAD AND 63 FITZROY STREET, DUBBO (ID21/232) 124**
The Council had before it the report dated 3 March 2021 from the Growth Planning Projects Leader - Digital Futures regarding Post Exhibition - Planning Proposal 2R Gilgandra Road and 63 Fitzroy Street, Dubbo.
- CCL21/46 PLANNING PROPOSAL KESWICK RSL (ID21/294) 158**
The Council had before it the report dated 8 March 2021 from the Growth Planning Projects Leader - Digital Futures regarding Planning Proposal Keswick RSL.
Please note, the Planning Proposal has been included under separate cover.
- CCL21/47 DUBBO-BALLINA FLIGHT (ID21/283) 204**
The Council had before it the report dated 25 February 2021 from the Manager Dubbo City Regional Airport regarding Dubbo-Ballina Flight.

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| CCL21/48 | INVESTMENT POLICY AND STRATEGY REVIEW - 2021 (ID21/234)
The Council had before it the report dated 8 March 2021 from the Chief Financial Officer regarding Investment Policy and Strategy Review - 2021. | 210 |
| CCL21/49 | COMMENTS AND MATTERS OF URGENCY (ID21/372) | |
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Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 22 February 2021.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 22 February 2021 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 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 - 22/02/2021
- 2 [↓](#) Minutes - Committee of the Whole - 22/02/2021



REPORT ORDINARY COUNCIL MEETING 22 FEBRUARY 2021

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO Services, the Administration Officer Governance, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth Planning and the Director Liveability.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5:31pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor D Grant.

CCL21/13 LEAVE OF ABSENCE (ID20/1628)

Requests for leave of absence were received from Councillors D Gumley and V Etheridge who were absent from the meeting due to the personal reasons.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That such requests for Leave of Absence be accepted and Councillors D Gumley and V Etheridge be granted leave of absence from this meeting.

CARRIED

CCL21/14 CONFIRMATION OF MINUTES (ID20/1629)

Confirmation of the minutes of the proceedings of the Ordinary Council Meeting held on 7 December 2020 and the Extraordinary Council Meeting held on 25 January 2021.

Moved Councillor K Parker and seconded by Councillor D Grant

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 7 December 2020 comprising pages 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the series be taken as read; and the Extraordinary Council meeting held on 25 January 2021 comprising pages 22, 23, 24, 25, 26, 27, 28 and 29 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL21/15 PUBLIC FORUM (ID20/1630)

The Council reports having met with the following persons during Public Forum.

- Marie Hoffman (OAM) – CCL21/24 – Draft Wellington Town Centre Plan – Results of Public Exhibition
- Peter Sutton – Talbragar Street Beautification

MAYORAL MINUTES:**CCL21/16 APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER (ID21/216)**

The Council had before it the Mayoral Minute regarding Appointment of Interim Chief Executive Officer

Moved Councillor B Shields

MOTION

That the Mayoral Minute dated 15 February 2021, announcing the temporary appointment of the Chief Executive Officer Dean Frost, be noted.

CARRIED

CCL21/16a RUGBY LEAGUE PROPOSAL - DEVELOPMENT OF REGAND PARK (ID21/260)

The Council had before it the Mayoral Minute regarding Rugby League Proposal - Development of Regand Park

Moved Councillor B Shields

MOTION

1. That the Mayoral Minute, dated 22 February 2021, be noted.
2. That Council welcomes the proposal for the St John's Junior Rugby League Football Club proponents to potentially develop up to 10 hectares of Regand Park, comprising playing fields and ancillary infrastructure, contingent upon Council endorsement of site drawings, technical plans, relevant supporting documentation and approvals.
3. That a notice of rescission motion be submitted in writing no later than five business days prior to the March 2021 Ordinary Council meeting relating to the resolution of Council at its meeting held 25 June 2018, *"That no further capital improvements be undertaken on land identified in the Regand Park Master Plan."*

CARRIED

As one or more Councillors voted against the motion, in accordance with Clause 11.5 of Council's Code of Meeting Practice, the following votes were recorded:

FOR	AGAINST
Councillor Diffey	Councillor Jones
Councillor Grant	Councillor Lawrence
Councillor Mohr	Councillor Ryan
Councillor Parker	
Councillor Shields	
Total (5)	Total (3)

MATTERS CONSIDERED BY COMMITTEES:**CCL21/17 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 8 FEBRUARY 2021 (ID21/215)**

The Council had before it the report of the Development and Environment Committee meeting held 8 February 2021.

Moved Councillor G Mohr and seconded by Councillor K Parker

MOTION

That the report of the Development and Environment Committee meeting held on 8 February 2021, be noted.

CARRIED

CCL21/18 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING 8 FEBRUARY 2021 (ID21/217)

The Council had before it the report of the Infrastructure and Liveability Committee meeting held 8 February 2021.

Moved Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the report of the Infrastructure and Liveability Committee meeting held on 8 February 2021, be noted.

CARRIED

CCL21/19 REPORT OF THE CULTURE, ECONOMY AND CORPORATE COMMITTEE - MEETING 8 FEBRUARY 2021 (ID21/218)

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 8 February 2021.

Moved Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Culture, Economy and Corporate Committee meeting held on 8 February 2021, be noted.

CARRIED

REPORTS FROM STAFF:**CCL21/20 DECEMBER 2020 QUARTERLY BUDGET REVIEW STATEMENTS (ID21/154)**

The Council had before it the report dated 4 February 2021 from the Chief Executive Officer regarding December 2020 Quarterly Budget Review Statements.

Moved Councillor A Jones and seconded by Councillor K Parker

MOTION

- 1. That the Quarterly Budget Review Statements as at 31 December 2020, as attached to the report of the Chief Executive Officer dated 4 February 2021, be adopted and such sums voted for such purpose.**
- 2. That the Statement of the Responsible Accounting Officer that Council is in a satisfactory financial position as at 31 December 2020 after utilising \$4.23M of the COVID-19 reserve, be noted.**

CARRIED

**CCL21/21 DELEGATION OF AUTHORITY TO THE INTERIM CHIEF EXECUTIVE OFFICER
(ID21/211)**

The Council had before it the report dated 17 February 2021 from the Executive Manager CEO Services regarding Delegation of Authority to the Interim Chief Executive Officer.

Moved Councillor S Lawrence and seconded by Councillor K Parker

MOTION

That the Delegation of Authority to the interim Chief Executive Officer be as contained in the document attached to the report of the Executive Manager CEO Services, dated 17 February 2021 as Appendix 1.

CARRIED

**CCL21/22 POWER OF ATTORNEY FOR THE INTERIM CHIEF EXECUTIVE OFFICER
(ID21/204)**

The Council had before it the report dated 17 February 2021 from the Executive Manager CEO Services regarding Power of Attorney for the Interim Chief Executive Officer.

Moved Councillor G Mohr and seconded by Councillor J Ryan

MOTION

- 1. That the report of the Executive Manager CEO Services, dated 17 February 2021, be noted.**
- 2. That Council rescind the power of attorney granted to the current Chief Executive Officer, Michael McMahon, to take effect on 2 April 2021.**
- 3. That Council delegate to the interim Chief Executive Officer, Dean William Frost the prescribed power of attorney in accordance with the draft General Power of Attorney attached to the report as Appendix 1.**
- 4. That Council authorise the Mayor and Deputy Mayor to execute the General Power of Attorney under the Common Seal of the Council.**
- 5. That Council rescind the power of attorney granted to the interim Chief Executive Officer upon appointment of a permanent Chief Executive Officer.**
- 6. That the Chief Executive Officer report to Council every three months on all documents signed under the prescribed Power of Attorney.**

CARRIED

CCL21/23 CHANGE OF ORDINARY COUNCIL MEETING DATE - APRIL 2021 (ID21/130)

The Council had before it the report dated 28 January 2021 from the Governance and Internal Control Manager regarding Change of Ordinary Council Meeting Date - April 2021.

Moved Councillor A Jones and seconded by Councillor J Diffey

MOTION

That the Ordinary Council meeting scheduled for Tuesday, 27 April 2021 be moved to Monday, 26 April 2021.

CARRIED

CCL21/24 DRAFT WELLINGTON TOWN CENTRE PLAN - RESULTS OF PUBLIC EXHIBITION (ID20/1194)

The Council had before it the report dated 2 February 2021 from the Growth Planning Projects Leader - Digital Futures regarding Draft Wellington Town Centre Plan - Results of Public Exhibition.

Moved Councillor G Mohr and seconded by Councillor D Grant

MOTION

- 1. That the report of the Growth Planning Project Leader – Digital Futures, dated 2 February 2021, be noted.**
- 2. That the submission summary and response table, as provided at Appendix 2, be noted.**
- 3. That the Wellington Town Centre Plan, as provided in Appendix 3, be adopted.**
- 4. That those people who provided submissions to the draft Wellington Town Centre Plan be acknowledged and thanked for their submission/s.**

CARRIED

CCL21/25 REFURBISHMENT OF OLD WELLINGTON POLICE STATION FOR COMMUNITY USE (ID20/1690)

The Council had before it the report dated 11 December 2020 from the Manager Regional Experiences regarding Refurbishment of Old Wellington Police Station for Community Use.

Moved Councillor G Mohr and seconded by Councillor S Lawrence

MOTION

- 1. That the report of the Manager Regional Experiences, dated 11 December 2020, be noted.**
- 2. That Council provide the Wellington Museum Committee with a license agreement for the amount of \$1.00 a year to operate from the Old Police Station in Wellington for a minimum 12 month period.**

3. That in addition to use by the Wellington Museum Committee, Council activate the Old Police Station in Wellington as a community creative arts and culture hub to be included in the public programming by Council.
4. That during the 12 month licence period Council undertake a further assessment of the Oxley Museum property, and future restoration work required for the Old Police Station, and provide a further report on both buildings and future use to Council in March 2022.
5. An Exhibition Developed and Curated by the Wellington Museum Committee, supported by Dubbo Regional Council be displayed in three rooms of the Old Police Station for a minimum 12 month period commencing 31 May 2021.
6. That if requested by the Wellington Museum Committee, Council's Cultural Development Team assist in facilitating the development of a long term plan in line with Wellington Museum Committee's vision for their collection and capacity to manage a viable museum experience.
7. That from the 31 May 2021, the Oxley Museum building on the corner of Warne and Percy Streets be closed for public use and accessed only as a storage site for the Wellington Museum Committee's private collection during the review period.

CARRIED

**CCL21/26 PROPOSED SALE EASEMENT FOR ELECTRICITY AT HOLLS AVENUE CARPARK,
LOT 200 DP 881153 (ID20/1604)**

The Council had before it the report dated 8 December 2020 from the Property Specialist regarding Proposed Sale Easement for Electricity at Holls Avenue Carpark, Lot 200 DP 881153.

Moved Councillor G Mohr and seconded by Councillor D Grant

MOTION

1. That the report of the Property Specialist, dated 8 December 2020, be noted.
2. That Council agree to the creation of an easement for electricity having an area of approximately 40m² at Holls Avenue carpark (Lot 200 DP 881153) to MAAS Properties.
3. That all documents in relation to this matter be executed under Power of Attorney.

CARRIED

CCL21/27 CLASSIFICATION OF LAND AT 92 MACQUARIE STREET (ID21/15)

The Council had before it the report dated 7 January 2021 from the Property Specialist regarding Classification of Land at 92 Macquarie Street.

Moved Councillor D Grant and seconded by Councillor G Mohr

MOTION

1. That the report of the Property Specialist, dated 7 January 2021, be noted.
2. That 92 Macquarie Street (Lot 1 DP 726705 and Lot 9 DP 40398) be classified as Operational land in accordance with section 31 of the *Local Government Act 1993* (NSW) upon acquisition of the property by Council.
3. That all documentation in relation to this matter be executed under Power of Attorney.

CARRIED

CCL21/28 COMMENTS AND MATTERS OF URGENCY (ID20/1631)

There were no matters recorded under this clause.

At this juncture, it was moved by Councillor J Ryan and seconded by councillor S Lawrence the council resolve into a Committee of the Whole Council, the time being 6.14 pm.

The meeting resumed at 6.28 pm.

CCL21/29 COMMITTEE OF THE WHOLE (ID21/180)

The Executive Manager CEO read to the meeting the Report of the Committee of the Whole meeting held on 22 February 2021.

Moved Councillor A Jones and seconded by Councillor S Lawrence

MOTION

That the report of the meeting of the Committee of the Whole held on 22 February 2021, be adopted save and except CW21/1, which will be dealt with separately.

CARRIED

CW21/1 PROPOSED RIVER STREET BRIDGE - UPDATE (ID21/219)

The Council had before it the report dated 10 February 2021 from the Chief Executive Officer regarding Proposed River Street Bridge - Update.

Moved Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

1. That the report of the Chief Executive Officer, dated 10 February 2021, be noted.
2. That a further report be provided to Council once a final determination by Transport for NSW has been made in respect to the roadway design and pedestrian access across the Macquarie River.
3. That all documents and considerations in regard to this matter remain confidential to Council.
4. That Council continues to press for the pedestrian link, two part connection to the north-west sector and the lowering of the roadway.
5. That Council reiterates its opposition to the River Street Bridge.

CARRIED

Councillor J Diffey declared a non-pecuniary, but significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed as a senior Electorate Officer by NSW Parliament for the State Member, Mr Dugald Saunders.

The meeting closed at 6.31 pm.

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CHAIRMAN



REPORT COMMITTEE OF THE WHOLE COUNCIL 22 FEBRUARY 2021

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO Services, the Administration Officer Governance, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth Planning and the Director Liveability.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 6.16 pm.

CW21/1 PROPOSED RIVER STREET BRIDGE - UPDATE (ID21/219)

The Committee had before it the report dated 10 February 2021 from the Chief Executive Officer regarding Proposed River Street Bridge - Update.

Moved by Councillor J Ryan and seconded by Councillor S Lawrence

MOTION

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

CARRIED

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

1. That the report by the Chief Executive Officer, dated 10 February, be noted.
2. That a further report be provided to Council once a final determination by Transport for NSW has been made in respect to the roadway design and pedestrian access across the Macquarie River.
3. That documents and considerations in regard to this matter remain confidential to Council.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

AMENDMENT

1. That the report by the Chief Executive Officer, dated 10 February, be noted.
2. That a further report be provided to Council once a final determination by Transport for NSW has been made in respect to the roadway design and pedestrian access across the Macquarie River.
3. That documents and considerations in regard to this matter remain confidential to Council.
4. That Council continues to press for the pedestrian link, two part connection to the north-west sector and the lowering of the roadway.
5. That Council reiterates its opposition to the River Street Bridge.

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

Councillor J Diffey declared a non-pecuniary, but significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed as a senior Electorate Officer by NSW Parliament for the State Member, Mr Dugald Saunders.

CW21/2 PRICE ADJUSTMENT OF LOTS 526 AND 545 IN KESWICK STAGE 5 RELEASE 1 (ID21/134)

The Committee had before it the report dated 29 January 2021 from the Property Specialist regarding Price Adjustment of Lots 526 and 545 in Keswick Stage 5 Release 1.

Moved by Councillor J Ryan and seconded by Councillor S Lawrence

MOTION

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

CARRIED

Moved by Councillor A Jones and seconded by Councillor S Lawrence

MOTION

1. That the report of the Property Specialist, dated 29 January 2021, be noted.
2. That the sale price for Lot 526 be adjusted from \$145,000 to \$170,000 (inc. GST).
3. That the pricing for Lot 545 be adjusted from \$147,000.00 to \$172,000 (inc. GST).
4. That all documents in relation to this matter be executed under Power of Attorney.
5. That all documents and consideration in relation to this matter remain confidential to Council.

CARRIED

The meeting closed at 6.27 pm

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CHAIRMAN



MAYORAL MINUTE: Extended Season for DALC

AUTHOR: Mayor
REPORT DATE: 15 March 2021
TRIM REFERENCE: ID21/436

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

On 9 March 2021 and 11 March 2021, respectively, Council received correspondence from Orana Aquatic Swimming Club and Dubbo City Swimtech. The letters relate to the Dubbo Regional Aquatic Leisure Centre's scheduled season conclusion on Sunday, 28 March 2021, and a potential extension for the month of April 2021. (**Appendices 1 and 2**).

Council appreciate that the clubs have long, active histories. We also acknowledge continuing hard work and dedication towards educating young swimmers from Dubbo and surrounds. The clubs are important sporting groups within our community and we welcome their continued positive rapport with Dubbo Regional Council.

Dubbo Regional Council has been working conscientiously, improving fees, guidelines and policies, in order to create fair, harmonious services at each of the facilities for all customers. Part of this process means aligning community use and ensuring that all clubs are adhering to a singular set of fees and guidelines. In these ways, we can continue to ensure suitable service provision, as well as customer and staff wellbeing.

Council staff have provided some information to consider when deciding on the requests from the swimming clubs:

- Council adopted fees and charges are approved as part of the annual budget process and as such, any cost consideration for access to community facilities should be addressed in keeping with published fees and charges.
- Council has a legal liability and residual risk associated with this request. Council is currently insured through a Mutual insurance company. As such, wouldn't countenance this request because of the potential exposure resulting from serious injury or fatality, which is shared by all Council members.
- If Council were to allow these requests for these specific clubs, then other Clubs using other pools and community facilities should be extended the same arrangements.
- Opening Dubbo Aquatic Leisure Centre for an additional month (four mornings and four afternoons each week) of fifty metre pool utilisation, will incur additional chemical and heating costs. Additional staffing costs will also be incurred comprising four hour morning shifts and three hour afternoon shifts, to prepare the pool, remove and reinstate pool covers, undertake water checks and supervise the pool. Budgetary

allowances for these operational and wages costs have not been made during the 2020/2021 financial year.

- Aquatic Leisure Centres are currently running at a financial loss. A season extension will exacerbate the financial predicament.
- Programmed maintenance and capital replacement programming, scheduled for the week commencing Monday, 29 March 2021, will be postponed. This is inclusive of a switchboard replacement, lighting and security upgrade, EPA compliant drainage upgrade to sewer, as well as leak assessments, pump updates and replacement.
- Conversely, a season extension will enable swim club participants to train for state and national championships, ensuring their ongoing competitive success, as demonstrated throughout the competition season.
- A season extension would also potentially ensure a more positive rapport with swim clubs, entering into the 2021/2022 aquatic season.

As this matter is that of a political nature, I thought it was important that this request be considered by Council as a whole, as it has implications for all three of our aquatic leisure centres.

This matter is submitted for Council's consideration.

RECOMMENDATION

1. **That the Mayoral Minute, dated 15 march 2021, be noted.**
2. **That Council consider the requests from Orana Aquatic Swimming Club and Dubbo City Swimtech, for determination.**

Councillor Ben Shields

Mayor

Appendices:

- 1 [↓](#) Orana Aquatic Swimming Club - Letter Requesting Extended DALC Opening House
- 2 [↓](#) Dubbo City Swimtech - Letter Requesting Extended DALC Opening Hours

10 March 2021

The Mayor
Mr Ben Shields
Dubbo Regional Council
Po Box 81
Dubbo NSW 2830

Re: DALC Opening Hours

We have recently been advised that the Dubbo Aquatic Leisure Centre is scheduled to close for the season at the end of March. As one of the major stakeholders of the facility, we ask that this decision be reviewed and that restricted extended opening hours be approved for the month of April.

We are aware that Dubbo City Swimtech have forwarded a letter to you and we support their request. Our training program does differ from DCS but we indicate that pool opening between 530am and 700am Tuesday, Wednesday, Thursday and Friday mornings suit our swimmers. Four afternoons per week would also suit our club members 430pm to 6pm, with us utilising 2 lanes for each session.

Our athletes have been training at the DALC facility since September and are now approaching the peak of the swim season, with major competitions including State and National Championships coming up over the next two months. Our swimmers are proud ambassadors for Dubbo when competing at these Championships. The continuation of training for our athletes is crucial to their success at these events, and to lose access to training facilities would be detrimental to their preparations.

It was a disappointing end to the 2019/2020 season with our athletes being deprived of the opportunity to compete at these major competitions due to COVID, and it would be disappointing to see their preparations hindered this year resulting from a lack of access to facilities.

I take this opportunity to thank you for your previous support when our team of swimmers have travelled and competed interstate, you have supported our club for many years and trust that you will do all you can to extend our season.

We also take the opportunity to pass on our gratitude to the wonderful team that have worked so hard and professionally all season at Dubbo Aquatic Leisure Centre. The team have always been very approachable, have communicated well to us and importantly they have presented a wonderfully clean facility.

We thank you in advance for your consideration. Please contact us as per the details below should you wish to discuss further.

Regards,

Orana Aquatic Swimming Club



Kristen McWhirter
President
Email: orana.president@gmail.com



Anthony Chapman
Head Coach
orana.coach@gmail.com

Dear Mr Mayor Ben Shields,

I'm writing in regards to Dubbo Aquatic Leisure Centre closing date on the 30 of March 2021?? , Dubbo City Swimtech (DCS) would like a review for this decision to provide a training platform to continue for the remainder of for 2020/21 swimming season. In recent times, the pool had been flexible to allow an opportunity for swimmers that have progressed to NSW State and National swimming competitions.

This season DCS has 212 registered swimmers and have competed at an exceptionally high standard being awarded Western Area Club champions and winning the majority of individual age champions. At the Country regional Carnival (Orange) DCS placed 3rd and at most recent NSW All Country Championships (Homebush) placing 9th an outstanding result for DCS and representing Dubbo.

For the remainder of 2021 swim season upcoming events that DCS to be represented at are NSW State Championships (27-28/3/21), NSW Combined Catholic Colleges (30/3/21), NSW PSSA (31/3/21), Australian National Championships (5-12/4/21) & NSW ALL Schools (28/5/21).

DCS club and swimmers are heavily invested to achieve individual, club and school achievements. These young athletes show dedication and commitment unlike many other sports spending up to 20 hours per week training a task not taking lightly with early mornings and late evening, this can be compared to as a semi professional athlete.

DCS would like to propose an extension post the planned DALC pool closure on the 28th of March. DALC to remain operational with reduced pool opening hours to allow swimmers to continue training for 2021 season until Friday the 30th of April, Monday, Tuesday, Thursday & Friday – mornings 0530 to 0700 and afternoon 1630-1830 and 2 lanes each session. No Wednesday session. With support from Dubbo Regional Council and DALC DCS swimmers are future in the sport and would appreciate a review on DALC extended operational hours.

DCS acknowledges the council operation effects and are willing to liaise for an outcome to allow the DALC hours to be extended.

Dubbo City Swimtech looks forward to working with DRC on this proposal and would be available to provide further information if required.

Kinds Regards,

Jay Forrester

Dubbo City Swimtech President



MAYORAL MINUTE: Expressions of Interest for Dubbo City Regional Airport Commercial Accommodation Provision

AUTHOR: Mayor
REPORT DATE: 15 March 2021
TRIM REFERENCE: ID21/446

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

Prior to the global pandemic that brought domestic and international air travel to a standstill in March 2020, Dubbo City Regional Airport (DRCA) was one of the largest and most successful regional airports in Australia.

Even with the challenges that the last 12 months have brought, our airport has shown its resilience and development has continued. While most people focus on the commercial passenger element of our airport, the reality is the medical, emergency services and precinct operations are just as important to the airport's success, and its contribution to the region.

Despite operating in a diverse aviation environment, and the minimisation of operational expenses where possible, the airport still lost an estimated \$5 million in revenue due to the impacts of the pandemic and predicted growth in regular transport passengers has been set back by a number of years.

As part of the DCRA Master Plan 2019-2040, a medium term goal (approximately three to 10 years) was endorsed for the exploration of a commercial precinct close to the Mitchell Highway which could include accommodation facilities. Such a development could cater for airport and non-airport related stays and would likely be an anchor development in supporting further growth of the precinct.

Given the dramatic changes that have taken place in the 12 months since the adoption of the reviewed DCRA Master Plan 2019-2040, I am proposing Council bring this project forward to gauge potential interest and hopefully see this long-term project start sooner rather than later. I propose Council commence an Expression of Interest process before June 2021. I also propose that Council continue to monitor for state and federal economic stimulus grants that may be suitable to support infrastructure investment within the commercial precinct.

I believe that now is the ideal time to start looking at this important project to further diversify and strengthen Australia's leading regional airport. Flights and passenger movements are increasing again and if we begin the process now, an airport accommodation facility may be operational when proposed developments within the precinct come on line and the airport returns to strong passenger numbers again.

RECOMMENDATION

1. That the Mayoral Minute, dated 15 march 2021, be noted.
2. That Council commence an Expression of Interest process for an accommodation provider for the Dubbo City Regional Airport by June 2021.
3. That Council monitor for grant opportunities that may be suitable to align with private investment and support infrastructure within the commercial precinct.

Councillor Ben Shields
Mayor



MAYORAL MINUTE: Dubbo Inclusion in Subsidised Airline Flights

AUTHOR: Mayor
REPORT DATE: 16 March 2021
TRIM REFERENCE: ID21/453

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

On Thursday, 11 March 2021 the Federal Government announced a measure that they believe will boost the aviation industry which has been affected severely from the global COVID-19 pandemic.

The policy is for taxpayers to subsidise half price tickets for 15 destinations around Australia. Those destinations being: Gold Coast, Cairns, Proserpine, Hamilton Island, Sunshine Coast, Lasseater, Alice Springs, Launceston, Devonport, Burnie, Broome, Avalon, Merimbula and Kangaroo Island.

Key points of the package are:

- Airlines would be unable to make extra profits from the package because the airfare prices will be based on the average prices set in February 2021.
- The half-price tickets to the 15 initial destinations will cover the return journey.
- An average of 45,000 seats will be funded per week.
- The program will run for six months from 1 April 2021 or until the funding is exhausted.
- Trips will need to be booked by 31 July 2021 and travel by 30 September 2021.

While I personally believe the Federal Government's response to the COVID-19 Pandemic has been commendable and world leading, this particular policy has fundamental flaws that is unacceptable to not just the Dubbo Region, but also the bulk of Regional NSW.

There is no doubt that the Dubbo Region has been doing very well in our tourism numbers in recent months. With international borders being closed and Victoria and Queensland's erratic on and off again state border closures, a lot of NSW families have looked to Dubbo as a place to visit. Our accommodation, hospitality and tourism industry are often reporting record numbers.

In my view, there is little argument that the Federal Government's decision to subsidise aviation to these destinations will lower the amount of visitors coming to our area.

I note that the local tourism industry is not just the only sector of Dubbo that will suffer under the Federal Government's plan to subsidise airfares to mainly Queensland airports and not our area. The reason for this is that the Dubbo City Regional Airport is not a facility that is

primarily about tourism. The airport serves a large business customer base, and more specifically, a very large number of doctors and other medical professionals use the Airport.

Before the COVID-19 pandemic, every day dozens of medical professionals would fly in to Dubbo's airport to work either directly in Dubbo or one of the towns in Western NSW.

Because there are only a fraction of the number of flights coming in, our fly-in, fly-out (FIFO) doctors and other medical professionals are finding it hard to get out to the bush.

To me, it is obvious. The Federal Government's decision to subsidise Queensland destinations but do nothing for our neck of the woods is also going to hurt our access to health services.

RECOMMENDATION

1. That Council make urgent representations to our local Federal Members of Parliament Mark Coulton, Member for Parkes, and Andrew Gee, Member for Calare, urging that the Dubbo City Regional Airport be included on the list of subsidised routes.
2. That Council also make representation to Michael McCormack, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development; and Dan Tehan MP, Minister for Trade, Tourism and Investment, urging that Dubbo City Regional Airport be included on the list of subsidised routes.

Councillor Ben Shields
Mayor



MAYORAL MINUTE: Local News Service for Western NSW

AUTHOR: Mayor
REPORT DATE: 17 March 2021
TRIM REFERENCE: ID21/457

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

Last week it was revealed that WIN Television is to take over the Nine Network affiliation for Regional NSW.

As a result, Southern Cross Austereo, the current holders of the Nine Network affiliation, will take the lower-rating Network Ten affiliation.

The staff of the current Nine/Austereo Local News have been advised that their bulletin will close and that they will be made redundant. Traditionally, Network Ten affiliated local stations do not provide a full local news bulletin.

When WIN Television last had the Nine Network affiliation, they had a comprehensive local news service. That news service was closed not long after WIN Television took the Network Ten affiliation.

Local television news services are a vital communication tool for local communities. I believe it is important that Dubbo and Western NSW continues to have at least two local television news services. For this reason, I am recommending to Council that we approach the owners of WIN Television requesting that WIN Local News be reinstated.

RECOMMENDATION

1. That the Mayoral Minute, dated 17 march 2021, be noted.
2. That Council write to the owners of WIN Television requesting that the re-establish a comprehensive Local News Service for Western NSW.

Councillor Ben Shields
Mayor



Audit and Risk Management Committee - Meeting Minutes 20 November 2020

AUTHOR: Administration Officer - Governance &
Internal Control
REPORT DATE: 23 November 2020

EXECUTIVE SUMMARY

At the Ordinary Council meeting held 27 July 2020 it was resolved that the Audit and Risk Management Committee Charter be adopted.

Section 6 Meetings and Quorum; *section 6.8 states in part that the minutes will be prepared and provided to the next Ordinary meeting of the Council for information.*

Therefore, please find attached the minutes for notation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the report of the Audit and Risk Management Committee meeting held on 20 November 2020, be noted.

Appendices:

[1](#) Minutes - Audit and Risk Management Committee - 20/11/2020



REPORT AUDIT AND RISK MANAGEMENT COMMITTEE 20 NOVEMBER 2020

PRESENT: Councillor K Parker, Mr J Walkom (Chair and Independent Member), Mr T Breen (Independent Member).

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance, the Governance and Internal Control Manager, the Internal Auditor and Ms M Lee (Audit Office).

Mr J Walkom assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 11.04am.

AUD20/63 MEET AND GREET (ID20/1461)

The Committee was addressed by the Chief Executive Officer regarding this matter.

AUD20/64 LEAVE OF ABSENCE (ID20/1462)

A request for leave of absence was received from Councillor A Jones, Executive Manager CEO, Services and Ms R Antolin who were absent from the meeting due to the personal reasons.

RECOMMENDATION

That such requests for leave of absence be accepted and Councillor A Jones, Executive Manager CEO Services and Ms R Antolin be granted leave of absence from this meeting.

AUD20/65 AUDIT PROGRAM (ID20/1463)

The Committee was addressed by the Director Organisational Performance regarding this matter.

OUTCOME

1. That the Program will be submitted at the next Audit and Risk Management Committee (ARMC) meeting for endorsement.
2. That the Calendar of Reports be submitted at the next ARMC meeting to meet committee responsibilities as per the Charter.

AUD20/66 MEETING DATES 2021 (ID20/1464)

The Committee was addressed by the Governance and Internal Control Manager regarding this matter.

OUTCOME

1. That the ARMC meeting will take place on Mondays at 11 am according to the below schedule, to be confirmed at the next meeting:

Monday 8 February 2021, 11am

Monday 12 April 2021, 11am

Monday 15 June 2021, 11am

Monday 9 August 2021, 11am

Monday 11 October 2021, 11am.

AUD20/67 GENERAL BUSINESS (ID20/1465)

There were no items of General Business.

The meeting closed at 11.42am.

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CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Development and Environment Committee - meeting 8 March 2021

AUTHOR:

**Administration Officer - Governance &
Internal Control**

REPORT DATE:

10 March 2021

The Committee had before it the report of the Development and Environment Committee meeting held 8 March 2021.

RECOMMENDATION

That the report of the Development and Environment Committee meeting held on 8 March 2021, be noted.



**REPORT
DEVELOPMENT AND ENVIRONMENT
COMMITTEE
8 MARCH 2021**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth Planning, the Manager Building and Development Services and the Director Liveability.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5:30pm.

DEC21/6 LEAVE OF ABSENCE (ID21/272)

No requests for leave of absence were received.

DEC21/7 BUILDING SUMMARY - FEBRUARY 2021 (ID21/233)

The Committee had before it the report dated 24 February 2021 from the Director Development and Environment regarding Building Summary - February 2021.

Moved by Councillor B Shields and seconded by Councillor D Gumley

MOTION

That the information contained within the report of the Director Development and Environment, dated 24 February 2021, be noted.

CARRIED

**DEC21/8 PLANNING PROPOSAL FOR AN ADDITIONAL PERMITTED USE OF A 'PUB' - 10
COMMERCIAL AVENUE, DUBBO (ID21/163)**

The Committee had before it the report dated 19 February 2021 from the Manager Growth Planning regarding Planning Proposal for an Additional Permitted Use of a 'Pub' - 10 Commercial Avenue, Dubbo.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

1. That the report from the Manager Growth Planning, dated 19 February 2021, be noted.
2. That Council forward the Planning Proposal to NSW Department of Planning, Industry and Environment seeking a Gateway Determination.
3. That Council support a minimum 28 day public exhibition period for the Planning Proposal, following receipt of a Gateway Determination.
4. That following the completion of the public exhibition period, a further report be provided to Council for consideration of the Planning Proposal, detailing the results of the public exhibition.

CARRIED

Councillor G Mohr declared a pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor G Mohr's son is a Manager at the Western Star Hotel.

Councillor B Shields assumed chairmanship of the meeting for consideration of this matter, the time being 5.32 pm.

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

FOR	AGAINST
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (9)	Total (0)

Councillor G Mohr resumed chairmanship of the meeting, the time being 5.36 pm.

DEC21/9 NAMING OF THOROUGHFARES ASSOCIATED WITH BLUERIDGE BUSINESS PARK, LOT 4009 DP 1231126 (ID21/210)

The Committee had before it the report dated 17 February 2021 from the LIS and E-Services Coordinator regarding Naming of Thoroughfares Associated with Blueridge Business Park, Lot 4009 DP 1231126.

Moved by Councillor D Gumley and seconded by Councillor D Grant

MOTION

1. That the report of the LIS and E-Services Coordinator, date 17 February 2021, be noted.
2. That the proposed names listed below by the consultant be approved by Council:
 - Acquisition Close, Fiscal Way and Equity Avenue.
3. That the proposed names be notified in the local newspaper and Government Authorities notified in accordance with Section 162 of the Roads Act 1993 and Section 7 of the Roads Regulation 2018.
4. That the consultant be advised accordingly once approval under the Roads Regulation 2018 has been given and the names gazetted.

CARRIED

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

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

**DEC21/10 D17-654 PT 3 - MODIFIED DEVELOPMENT APPLICATION - REQUEST
EXEMPTION FROM SECTION 7.12 (FORMERLY S.94A) CONTRIBUTIONS
CENTRE-BASED CHILDCARE FACILITY
131 WHITELEY STREET WELLINGTON (ID21/293)**

The Committee had before it the report dated 25 February 2021 from the Planner regarding D17-654 Pt 3 - Modified Development Application - Request Exemption from Section 7.12 (formerly s.94A) Contributions Centre-Based Childcare Facility - 131 Whiteley Street Wellington.

Moved by Councillor S Lawrence and seconded by Councillor B Shields

MOTION

- 1. That the report of the Planner, dated 25 February 2021, be noted.**
- 2. That Council accede to the applicant's request to delete Condition 54 and organise the refund of the payment.**

CARRIED

Councillor A Jones declared a non-pecuniary, less than significant interest in the matter now before the Committee and remained in the room during the Committee's consideration of this matter. The reason for such interest is that Councillor A Jones was a board member and treasurer of Maranatha House over five years also and is also a life member and that such conflict will not influence her decision.

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

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

The meeting closed at 5.38 pm.

.....
CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Infrastructure and Liveability Committee - meeting 8 March 2021

AUTHOR:

**Administration Officer - Governance &
Internal Control**

REPORT DATE:

10 March 2021

The Committee had before it the report of the Infrastructure and Liveability Committee meeting held 8 March 2021.

RECOMMENDATION

That the report of the Infrastructure and Liveability Committee meeting held on 8 March 2021, be noted.



**REPORT
INFRASTRUCTURE AND LIVEABILITY
COMMITTEE
8 MARCH 2021**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth Planning, the Manager Building and Development Services and the Director Liveability.

Councillor Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.38 pm.

ILC21/5 LEAVE OF ABSENCE (ID21/273)

No requests for leave of absence were received.

ILC21/6 2021 DUBBO CYCLE CLUB SEASON (ID21/329)

The Committee had before it the report dated 1 March 2021 from the Safe Roads Engineer regarding 2021 Dubbo Cycle Club Season.

Moved by Councillor J Diffey and seconded by Councillor D Gumley

MOTION

1. That the application of the Dubbo Cycle Club Inc. Racing Season 2021 between 31 March 2021 and 23 December 2021 be approved and undertaken in accordance with the Event and Traffic Management Plan as conditioned by the NSW Police and the following conditions of Dubbo Regional Council:
 - a. Burroway Road - Commencing 500 m west of the Newell Highway at Brocklehurst for 18 km to 200 m east of Rawsonville Bridge Road intersection

- and return on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.
- b. **Mogriguy Road - Time trial course commencing 650 m north of the Mendooran Road intersection for a distance of 10.5 km to Mogriguy Village. Long course commencing 650 m north of the Mendooran Road intersection for 19 km with turnaround being 5.1 km north of the Coolbaggie Road intersection and return on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.**
 - c. **Wongarbon/Westella roads - short course commencing in Barbegal Street 100 m north of Derribong Street for a distance of 15 km and finishing at 300 m north on Barbegal Street from the intersection with Derribong Street. The turn point is 175 m east of the Westella Road intersection and return on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm. The Long course along Westella Road and Ballimore/Geurie roads for 25 km to a turnaround 550 m south of the Golden Highway and return on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.**
 - d. **Benolong Road - Sprint course start and finish is on Nubingerie Road 1.2 km south of the Benolong Road intersection (adjacent the Benolong Rural Fire Brigade) then west on Benolong Road to a turnaround 300 m east of the Wambangalang Creek Bridge on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.**
 - e. **South Geurie/Arthurville Road - Short course commencing 400 m south of the Scabbing Flat bridge over the Macquarie River for a distance of 15 km to a turnaround 600 m north-east of the intersection of Hermitage and Arthurville roads on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.**
 - f. **South Geurie/Arthurville Road - Middle course commencing 400 m south of the bridge over the Macquarie River for a distance of 21 km with the turnaround point being 3.2 km on Suntop Road east of the intersection with Arthurville Road on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.**
 - g. **South Geurie/Arthurville Road - Long course commencing 400 m south of the bridge over the Macquarie River for a distance of 30 km to a turnaround 3.8 km on Suntop Road west of the intersection of Renshaw-McGirr Way on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.**
 - h. **South Geurie/Terrabella Road - Time trial course commencing 2.1 km west of the intersection of Terrabella and Arthurville roads for a 6.4 km distance to a turnaround being 1.3 km east of the bridge over Little River on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.**
 - i. **South Geurie/Arthurville Road - Strada long loop commencing 400 m south of the Scabbing Flat bridge over the Macquarie River on Arthurville Road for a distance of 50.3 km incorporating River Road 10.6 km, Zaias Lane 3 km, Bennetts Road 6.5 km, Suntop Road 9 km, Arthurville Road 2.2 km, Hermitage Road 11.9 km, Terrabella Road 0.35 km, Arthurville Road 2.9 km to the finish line on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.**
 - j. **South Geurie/Arthurville Road - Strada short loop commencing 400 m south of the Scabbing Flat bridge over the Macquarie River on Arthurville Road for a**

- distance of 42 km incorporating Arthurville Road 4.3 km, River Road 10.6 km, Zaias Lane 8.1 km, Arthurville Road 4.5 km, Hermitage Road 11.9 km, Terrabella
- Road 0.35 km, Arthurville Road 2.9 km to the finish on Saturdays between 1 pm and 5 pm, or on Sundays between 8 am and 4 pm.
- k. North Geurie/Comobella Road - commencing 0.25 km north from the intersection of Paxton and Fitzroy streets for 13 km to a turnaround 0.15 km west of Cobbora Road on Saturdays between 1 pm and 5 pm, or Sundays between 8 am and 4 pm.
 - l. The approval for use of the roads will alternate between locations in accordance with the nominated block dates.
2. That the Dubbo Cycle Club provide Council with the full racing calendar prior to the first event, and then at two monthly intervals.
 3. That the submission of Traffic Control Plans to Council for approval be submitted a minimum of three weeks prior to the first event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS 1742.3-2019, the Transport for NSW Guidelines for Bicycle Road Races and the Traffic Control at Worksites Technical Manual prepared by an accredited person.
 4. That all traffic control, including the placement and removal of barricades and/or regulation of traffic, is to be carried out by traffic controllers appropriately trained in accordance with the requirements of Australian Standard AS 1742.3-2019 and the Transport for NSW accreditation requirements for Traffic Control Planners or Controllers as required. In this respect there is a requirement that traffic controllers, and not marshals, are to be provided at the start/finish and turnaround to stop all traffic whilst riders are:
 - a. Starting and finishing within a 60 km/h or less speed zone.
 - b. Assembled on the road carriageway immediately prior to a mass or staggered start.
 - c. Undertaking the turnaround movement.
 - d. Sprinting to the finish line.
 5. That the NSW Police consent and conditions for bicycle races permit under the NSW Road Transport Act 2013, Section 115 is required with documented evidence submitted to Council.
 6. That Council's Governance and Internal Control Manager must sight a current copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police are specifically noted to be indemnified against any action resulting from the cycle race.
 7. That the applicant is to submit to Council all the appropriate documentation required, accepting the above conditions, before final approval is granted.
 8. That the approval is for a nine-month period commencing at the time final authorisation of all documentation is granted.

CARRIED

**ILC21/7 2021 ANZAC DAY CEREMONIES - DUBBO REGIONAL COUNCIL AREA
(ID21/330)**

The Committee had before it the report dated 1 March 2021 from the Safe Roads Engineer regarding 2021 Anzac Day Ceremonies - Dubbo Regional Council Area.

Moved by Councillor J Ryan and seconded by Councillor A Jones

MOTION

That Council approval be granted to the Returned and Services League Sub-branch in Dubbo and Wellington and the Stuart Town Advancement Association to undertake their respective Anzac Day marches on Sunday, 25 April 2021, and implement road closures and detours as conditioned by Transport for NSW, NSW Police and Council's following conditions of consent:

1. Dubbo:

- a. For the Dawn Service and Anzac Day march temporary road closures are to be provided:**
 - Dawn Service in Darling Street between Talbragar and Wingewarra Streets from 5.00 am to 6.30 am;
 - Anzac Day march in Brisbane Street between Wingewarra and Serisier streets and Wingewarra Street between Darling and Brisbane streets from 9.00 am to 10.45 am;
 - Wingewarra Street from Brisbane to Macquarie streets and Macquarie Street from Wingewarra to Talbragar streets from 10.15 am to 11.00 am;
 - Talbragar Street from Macquarie Street to Memorial Drive, Victoria Park, from 10.45 am to 11.15 am, Darling Street from Talbragar to Wingewarra streets from 10.15 am;
 - Wingewarra Street between Darling and Brisbane streets as directed by the NSW Police at the conclusion of the Cenotaph service at approximately 12.00 noon to 12.30 pm;
 - Council's Traffic Control Plan TM 7084 (attached as Appendix 4) is to be used for the event.
 - Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval with the Traffic Control Plan submitted a minimum three weeks prior to the event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS 1742.3 and the TfNSW 'Traffic Control at Worksites Manual' prepared by an accredited person.
- b. Traffic controllers and/or trained Marshals are to be provided at all road closure points, and other locations as identified in the Event and Traffic Management Plans (attached as Appendices 1 and 4).**
- c. Council's Governance and Internal Control Manager must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police are specifically noted to be indemnified against any action resulting from the event.**

- d. The applicant is responsible for the provision of all traffic controls required for the event (ie Marshals, traffic barriers and signs).
 - e. A public notification is required for the Anzac Day march a minimum of seven days prior to the event.
 - f. The applicant is to forward a letter to Council with all the required documentation accepting the above conditions before final approval will be granted.
2. **Wellington:**
- a. For the Anzac Day march, a temporary road closure is to be provided on the Mitchell Highway, between Nanima Crescent and Lee Street and between Maughan and Whiteley streets from 10.45 am to 11.00 am, with the detour via Arthur, Warne, Percy and Whiteley streets. Council's updated Traffic Control Plan Wellington Anzac Detour is to be used for this event (Appendix 5).
 - b. The applicant is to gain approval from Transport for NSW for the closure and detour of the Mitchell Highway and Road Occupancy Licence with evidence provided to Council of such approval and conditions as warranted.
 - c. Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval, with the Traffic Control Plan submitted a minimum three weeks prior to the event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS 1742.3 and the TfNSW 'Traffic Control at Worksites Manual' prepared by an accredited person.
 - d. Traffic controllers and/or trained Marshals are to be provided at all road closure points, and other locations as identified in the Event and Traffic Management Plans.
 - e. Council's Governance and Internal Control Manager must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, Transport for NSW and NSW Police are specifically noted to be indemnified against any action resulting from the event.
 - f. The applicant is responsible for the provision of all traffic controls required for the event (ie Marshals, traffic barriers and signs).
 - g. A public notification is required for the Anzac Day march a minimum of seven days prior to the event.
 - h. The applicant is to forward a letter to Council with all the required documentation accepting the above conditions before final approval will be granted.
3. **Stuart Town:**
- a. For the Anzac Day Ceremony a temporary road closure is to be provided in Molong Street, between the Burrendong Way (Alexander Street) and Bell Street from 8.00 am to 2.30 pm, with a detour of Molong Street via Burrendong Way and Bell Street. Council's Traffic Control Plan TM 7175 (Appendix 6) is to be used for the event.
 - b. Concurrence is required from the TfNSW for the event to utilise part of Burrendong Way between Molong and Bell streets as a detour with advice provided to Council.
 - c. Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval with the Traffic Control Plan to be submitted a minimum of three

weeks prior to the event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS 1742.3 and the TfNSW 'Traffic Control at Worksites Manual' prepared by an accredited person.

- d. Traffic controllers and/or trained Marshals are to be provided at all road closure points, and other locations, as identified in the Event and Traffic Management Plans (Appendix 4).
- e. Council's Governance and Internal Control Manager must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, TfNSW and NSW Police are specifically noted to be indemnified against any action resulting from the event.
- f. Council will be responsible for the provision of all traffic controls required for the event for the 2021 event only.
- g. A public notification is required for the Anzac Day march a minimum of seven days prior to the event, with notification letters to be delivered to the affected residents within the road closure areas in the village.
- h. The applicant is to forward a letter to Council with all the required documentation accepting the above conditions before final approval will be granted.

CARRIED

ILC21/8 2021 WELLINGTON BOOT RACE MEETING (ID21/331)

The Committee had before it the report dated 1 March 2021 from the Safe Roads Engineer regarding 2021 Wellington Boot Race Meeting.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

That Council approval be granted to the Wellington Race Club to organise the Wellington Boot Race Meeting on Saturday 27 March and Sunday 28 March 2021 and implement the Traffic Control Plan as conditioned by Transport for NSW, NSW Police and Council's following conditions of consent:

- a. Traffic controllers are to be provided at the pedestrian crossing as identified in the Traffic Control Plan (attached as Appendix 2).
- b. Council's Governance and Internal Control Manager must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million (provided as Appendix 4).
- c. The applicant is responsible for the provision of all traffic controls required for the event (ie marshals, traffic barriers and signs).
- d. A public notification is required for the Wellington Boot Race Meeting a minimum of seven days prior to the event.
- e. The applicant is to respond to Council accepting the above conditions and provide all the required documentation before final approval will be granted.

CARRIED

**ILC21/9 PROPOSED TRAFFIC CONTROL DEVICES - ST ANDREWS DRIVE DUBBO
(ID21/332)**

The Committee had before it the report dated 1 March 2021 from the Safe Roads Engineer regarding Proposed Traffic Control Devices - St Andrews Drive Dubbo.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

That Council approval be granted to install the proposed traffic control devices in St Andrews Drive, Delroy Park, West Dubbo between Minore Road and 29 St Andrews Drive as detailed on Council's Plan TM 7419 (Appendix 1).

CARRIED

**ILC21/10 PLANS OF MANAGEMENT - CEMETERY REPORT FOLLOWING PUBLIC
EXHIBITION (ID21/230)**

The Committee had before it the report dated 12 February 2021 from the Manager Recreation and Open Spaces regarding Plans of Management - Cemetery Report Following Public Exhibition.

Moved by Councillor B Shields and seconded by Councillor V Etheridge

MOTION

- 1. That the report by the Manager Recreation and Open Space, dated 12 February 2021, be noted.**
- 2. That Council note that Bodangora Cemetery has been categorised as a public park and include it in a plan of management including other like public parks.**
- 3. That Council note that Rawsonville Cemetery and Tubbagah Aboriginal Burial Ground has been categorised as an area of cultural significance and prepare a Plan of Management for it.**
- 4. That Plans of Management are not developed for the other 32 cemetery sites within the Dubbo local government area.**

CARRIED

The meeting closed at 5.40 pm.

.....
CHAIRMAN



**DUBBO REGIONAL
COUNCIL**

Report of the Culture, Economy and Corporate Committee - meeting 8 March 2021

AUTHOR:

**Administration Officer - Governance &
Internal Control**

REPORT DATE:

10 March 2021

The Committee had before it the report of the Culture, Economy and Corporate Committee meeting held 8 March 2021.

RECOMMENDATION

That the report of the Culture, Economy and Corporate Committee meeting held on 8 March 2021, be noted.



**REPORT
CULTURE, ECONOMY AND CORPORATE
COMMITTEE
8 MARCH 2021**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Liaison Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth planning, the Manager Building and Development Services and the Director Liveability.

Councillor D Gumley assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.40 pm.

CEC21/5 LEAVE OF ABSENCE (ID21/274)

No requests for leave of absence were received.

**CEC21/6 REPORT OF THE DUBBO REGIONAL COUNCIL AIRPORTS PANEL - MEETING 1
MARCH 2021 (ID21/343)**

The Committee had before it the report of the Dubbo Regional Council Airports Panel meeting held 1 March 2021.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Dubbo Regional Council Airports Panel meeting held on 1 March 2021, be adopted.

CARRIED

CEC21/7 FIVE YEAR POST AMALGAMATION BOOK (ID21/259)

The Committee had before it the report dated 1 March 2021 from the Manager Corporate Image and Communications regarding Five Year Post Amalgamation Book.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

1. That the report of the Manager Corporate Image and Communications, dated 1 March 2021, be noted.
2. That Council approve production of a newspaper style five year post amalgamation print project.
3. That Council approve a budget of \$50,000 for Corporate Image and Communications to manage the overall production, print, and delivery of the newspaper style five year post amalgamation print project with any unspent budget returned to Council's consolidated revenue.

CARRIED

CEC21/8 QUARTERLY REPORT ON DOCUMENTS EXECUTED UNDER THE POWER OF ATTORNEY (ID21/275)

The Committee had before it the report dated 22 February 2021 from the Governance and Internal Control Manager regarding Quarterly Report on Documents Executed Under the Power of Attorney.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

MOTION

That the information contained within the report of the Governance and Internal Control Manager, dated 22 February 2021, be noted.

CARRIED

CEC21/9 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - FEBRUARY 2021 (ID21/222)

The Committee had before it the report dated 1 March 2021 from the Chief Financial Officer regarding Investments Under Section 625 of the Local Government Act - February 2021.

Moved by Councillor J Diffey and seconded by Councillor D Grant

MOTION

That the information contained within the report of the Chief Financial Officer, dated 1 March 2021, be noted.

CARRIED

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

CEC21/10 INCREASE TO BANK GUARANTEE FACILITY LIMIT (ID21/231)

The Committee had before it the report dated 12 February 2021 from the Chief Financial Officer regarding Increase to Bank Guarantee Facility Limit.

Moved by Councillor A Jones and seconded by Councillor K Parker

MOTION

1. That the report of the Chief Financial Officer, dated 12 February 2021, be noted.
2. That Council's bank guarantee facility limit with the National Australia Bank be increased from \$50,000 to \$200,000.
3. That Council enter into a new Business Letter of Offer document in favour of National Australia Bank.
4. That the Chief Executive Officer be authorised to complete any documentation under delegated Power of Attorney.

CARRIED

CEC21/11 WRITING OFF RATES AND CHARGES AND DEBTS (ID21/236)

The Committee had before it the report dated 15 February 2021 from the Chief Financial Officer regarding Writing off Rates and Charges and Debts.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

1. That the report of the Chief Financial Officer, dated 15 February 2021, be noted.
2. That the draft Writing off Rates and Charges and Debts Policy, as attached at Appendix 1, be adopted.

CARRIED

CEC21/12 DRAFT RATES STRUCTURE FOR 2021/2022 (ID21/269)

The Committee had before it the report dated 19 February 2021 from the Revenue Accountant regarding Draft Rates Structure for 2021/2022.

Moved by Councillor V Etheridge and seconded by Councillor K Parker

MOTION

1. That the report of the Revenue Accountant, dated 19 February 2021, be noted.
2. That Council adopt the Rate Categories and Sub-categories outlined in the 'Proposed Categories and Sub-categories' tables within this report.
3. That Council adopt the Draft Rate Structure contained within the report as the basis for a community information program and preparation of the Revenue Policy contained within the 2021/2022 Draft Operational Plan.
4. That the 2021/2022 Draft Rate Structure incorporate a General Income variation (the rate pegging limit) of 2.0% being the maximum minimum permitted for the 2021/2022 rating year as determined by IPART.

CARRIED

CEC21/13 LOCAL PURCHASING POLICY PROGRESS REPORT 2020 (ID21/214)

The Committee had before it the report dated 22 February 2021 from the Corporate Procurement Specialist regarding Local Purchasing Policy Progress Report 2020.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

1. That the report of the Corporate Procurement Specialist, dated 22 February 2021, be noted.
2. That a further report be provided to Council in June 2021 updating the Local Purchasing Policy progress.

CARRIED

The meeting closed at 5.49 pm.

.....
CHAIRMAN



NOTICE OF MOTION: Housing Availability

REPORT DATE: 10 March 2021

FILE: ID21/394

Council had before it a Notice of Motion dated 10 March 2021 from Councillor S Lawrence regarding Housing Availability as follows:

“Noting rising house prices, the low vacancy rate and community concern as to housing affordability and supply.

That the CEO be requested to provide a report to the June 2021 ordinary meeting of council advising councillors on:

- 1. The general state of the housing market in the region, including as compared to comparable cities and historical trends.*
- 2. Any shortages of particular housing types in the region and the causes and impacts of those shortages.*
- 3. Whether council is and has been appropriately making land available for development and any steps that could be taken in that regard within existing processes.*
- 4. Steps council could take to address any shortages of particular housing types including specific advice on a) whether there is an appropriate business role for council in property development of particular types of housing including for example units and medium density housing and b) other ways that council can work with other levels of government and the private sector to address any housing supply shortages identified.*

That after the provision of the report to councillors that the CEO be requested to arrange a council led forum of relevant stakeholders to discuss the report and any possibly policy and community responses.”

RECOMMENDATION

- 1. That the CEO be requested to provide a report to the June 2021 ordinary meeting of council advising councillors on:**
 - a. The general state of the housing market in the region, including as compared to comparable cities and historical trends.**
 - b. Any shortages of particular housing types in the region and the causes and impacts of those shortages.**
 - c. Whether council is and has been appropriately making land available for development and any steps that could be taken in that regard within existing processes.**
 - d. Steps council could take to address any shortages of particular housing types including specific advice on:**
 - i) whether there is an appropriate business role for council in property development of particular types of housing including for example units and medium density housing; and**
 - ii) other ways that council can work with other levels of government and the private sector to address any housing supply shortages identified.**
- 2. That after the provision of the report to councillors that the CEO be requested to arrange a council led forum of relevant stakeholders to discuss the report and any possibly policy and community responses.**

Councillor S Lawrence
Councillor

Appendices:

- 1**  Notice of Motion - Clr S Lawrence - Housing Availability - 22/03/2021

Councillor Stephen Lawrence
PO Box 81
DUBBO NSW 2830

3 March 2021

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

Dear Michael

NOTICE OF MOTION – ‘HOUSING SUPPLY’

I would like to place the following notice of motion on the agenda for the March 2021 Ordinary meeting of Council.

“Noting rising house prices, the low vacancy rate and community concern as to housing affordability and supply.

That the CEO be requested to provide a report to the June 2021 ordinary meeting of council advising councillors on:

- 1. The general state of the housing market in the region, including as compared to comparable cities and historical trends.*
- 2. Any shortages of particular housing types in the region and the causes and impacts of those shortages.*
- 3. Whether council is and has been appropriately making land available to development and any steps that could be taken in that regard within existing processes.*
- 4. Steps council could take to address any shortages of particular housing types including specific advice on a) whether there is an appropriate business role for council in property development of particular types of housing including for example units and medium density housing and b) other ways that council can*

work with other levels of government and the private sector to address any housing supply shortages identified.

That after the provision of the report to councillors that the CEO be requested to arrange a council led forum of relevant stakeholders to discuss the report and any possible policy and community responses."

Yours faithfully

A handwritten signature in black ink, appearing to be 'Stephen Lawrence', written in a cursive style.

Stephen Lawrence
Councillor



NOTICE OF MOTION: Apex Oval Parking

REPORT DATE: 11 March 2021

FILE: ID21/396

Council had before it a Notice of Motion dated 11 March 2021 from Councillor D Gumley regarding the Apex Oval Parking as follows:

- "1. That the CEO be requested to prepare conceptual plans for the construction of sealed car parking around Kakoda Place on Council land, Wingewarra Street entrance to Apex Oval.*
- 2. That once the conceptual plans are completed and approved, Council actively seeks grant funding for the construction."*

RECOMMENDATION

- 1. That the CEO be requested to prepare conceptual plans for the construction of sealed car parking around Kakoda Place on Council land, Wingewarra Street entrance to Apex Oval.**
- 2. That once the conceptual plans are completed and approved, Council actively seeks grant funding for the construction.**

Councillor D Gumley
Councillor

Appendices:

- [1](#) Notice of Motion - Clr D Gumley - Apex Oval Parking - 11/03/2021

Councillor Dayne Gumley

PO Box 1333
DUBBO NSW 2830

11 March 2021

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

Dear Michael

NOTICE OF MOTION – APEX OVAL PARKING

I would like to place the following notice of motion on the agenda for 22 March 2021 Ordinary meeting of Council.

- "1. That the CEO be requested to prepare conceptual plans for the construction of sealed car parking around Kakoda Place on Council land, Wingewarra Street entrance to Apex Oval.*
- 2. That once the conceptual plans are completed and approved, Council actively seeks grant funding for the construction."*

Yours faithfully



Dayne Gumley
Councillor



NOTICE OF MOTION OF RESCISSION: Focusing on the Beautification of the Macquarie River Corridor of the Dubbo Central Business District

REPORT DATE: 15 March 2021
FILE: ID21/448

Council had before it a Notice of Motion of Rescission dated 11 March 2021 from Councillor's B Shield, G Mohr and K Parker as follows:

We the undersigned give notice that we intend to move a motion to rescind the following resolution (Clause CCL18/91) regarding Focusing on the Beautification of the Macquarie River Corridor of the Dubbo Central Business District.

"That the following resolution of Council from its Ordinary meeting held on 25 June 2018, Clause CCL18/91, be rescinded:

- "1. That the contribution of the Dubbo Stampede and the Titan Macquarie Mud Run to public infrastructure be noted.*
- 2. That no further capital improvements be undertaken on land identified in the Regand Park Master Plan.*
- 3. That the Regand Park Master Plan be revoked with the exception of environmental related activities such as tree planting.*
- 4. That savings identified at the December 2017 Quarterly Operational Plan and Budget Review allocate \$60,000 to the development of a Master Plan for CBD parks and reserves that are between the LH Ford and Serisier bridges.*
- 5. That the Dubbo Stampede and Titan Macquarie River Mud Run Committee be invited to be integral contributors to the new masterplan in view to their former proposed upgrades to the river corridor be an equally significant component of the new CBD plan.*
- 6. That Council consider the allocation of \$500,000 to the embellishment and improvement of CBD parks and reserves that are between the LH Ford and Serisier bridges during the development process of the Draft 2019/2020 Operational Plan and Budget and associated draft Delivery Program."*

Should this motion of rescission be carried, the resolution of Council at its Works and Services Committee meeting on 18 February 2013 will be reinstated:

- "1. That all persons who made submissions be thanked for their contribution and informed as to how their submissions were considered.*
- 2. That the draft Regand Park Master Plan be modified to:*
 - Show the species of trees identified at the entry statement to be deciduous trees found onsite already and species endemic to the floodplain of the Macquarie*

- River in Dubbo*
- *Change the illustration of wind turbines to be solar panels*
 - *Show the alignment of the pathway behind the Regand Park subdivision to be 100 metres from residences*
 - *Show toilet facilities near the playground elements*
- 3. *That the modified Regand Park Master Plan be adopted."*

RECOMMENDATION

1. **That Council determine this Notice of Motion of Rescission.**
2. **That the Director Liveability provide a further report regarding the revised River Corridor Masterplan for Dubbo.**

Councillor Ben Shields
Mayor

Councillor G Mohr
Councillor

Councillor Kevin Parker
Councillor

Appendices:

- 1↓ Notice of Motion of Rescission - CCL18/91 - Focusing on the Beautification of the Macquarie River Corridor of the Dubbo Central Business District - 11/03/2021

11 March 2021

Mr Michael McMahon
Chief Executive Officer
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Michael

CCL18/91 – NOTICE OF MOTION OF RESCISSION

**FOCUSING ON THE BEAUTIFICATION OF THE MACQUARIE RIVER CORRIDOR OF THE DUBBO
CENTRAL BUSINESS DISTRICT**

We, the undersigned, give notice that we intend to move the following Notice of Motion of Rescission:

"That the following resolution of Council from its Ordinary meeting held on 25 June 2018, Clause CCL18/91, be rescinded:

- 1. That the contribution of the Dubbo Stampede and the Titan Macquarie Mud Run to public infrastructure be noted.*
- 2. That no further capital improvements be undertaken on land identified in the Regand Park Master Plan.*
- 3. That the Regand Park Master Plan be revoked with the exception of environmental related activities such as tree planting.*
- 4. That savings identified at the December 2017 Quarterly Operational Plan and Budget Review allocate \$60,000 to the development of a Master Plan for CBD parks and reserves that are between the LH Ford and Serisier bridges.*
- 5. That the Dubbo Stampede and Titan Macquarie River Mud Run Committee be invited to be integral contributors to the new masterplan in view to their former proposed upgrades to the river corridor be an equally significant component of the new CBD plan.*
- 6. That Council consider the allocation of \$500,000 to the embellishment and improvement of CBD parks and reserves that are between the LH Ford and Serisier bridges during the development process of the Draft 2019/2020 Operational Plan and Budget and associated draft Delivery Program."*

Page 2

Yours faithfully



Councillor Ben Shields



Councillor Greg Mohr



Councillor Kevin Parker



REPORT: Draft Planning Agreement - Uungula Wind Farm - Results of Public Exhibition

AUTHOR: Manager Growth Planning
REPORT DATE: 15 March 2021
TRIM REFERENCE: ID21/150

EXECUTIVE SUMMARY

A draft Planning Agreement for Uungula Wind Farm was considered by Council in November 2020. Council, at its meeting held on 9 November 2020, resolved in part;

- "2. That the draft Planning Agreement be placed on public display in accordance with the provisions of the Environmental Planning and Assessment Act 1979.*
- 3. That following conclusion of the public exhibition period, a further report be prepared for the consideration of Council, including any submissions received."*

A copy of the draft Planning Agreement is attached here in **Appendix 1**.

The draft Planning Agreement and Explanatory Note were placed on public exhibition from Wednesday, 25 November 2020 until Friday, 5 February 2021. Council received a total of six submissions during the public exhibition period. A copy of the submissions are attached here in **Appendix 2**.

The submissions generally request that funds from the Planning Agreement be spent in the immediate locality and entirely within the former Wellington Local Government Area (LGA), rather than the whole of the Dubbo Regional LGA. Whilst funds from "Funding Part 1 — Strategic Analysis" and "Funding Part 4 — Road Maintenance Works" are proposed to be spent in the former Wellington LGA, it is Council's intent for funds from "Funding Part 2 — Strategic Projects" and "Funding Part 3 — Community Benefit Fund" to be spent in the whole Dubbo Regional Local Government Area due to reasons of equity, efficiency and governance. This issue is discussed further in the report.

The Uungula Wind Farm Community Consultative Committee (CCC) was established early in the development application process through the Planning Secretary's environmental assessment requirements. The Uungula Wind Farm CCC is not a decision making or regulatory body; it performs an advisory and consultative role to the Uungula Wind Farm development. The Uungula Wind Farm CCC is not created for the purposes of providing recommendations to Council as to how funding should be spent. Further discussion in respect of the Uungula Wind Farm CCC and the relationship with the Planning Agreement and the proposed development is discussed further in the report.

Following a review of all submissions, this report recommends that Council enter into a Planning Agreement with Uunulga Wind Farm Pty Ltd, in accordance with the agreement attached here in **Appendix 1**.

FINANCIAL IMPLICATIONS

Financial implications of the Planning Agreement are further discussed in the body of the report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

1. That the report of the Manager Growth Planning, dated 15 March 2021, be noted.
2. That Council enter into a Planning Agreement with Uungula Wind Farm Pty Ltd, in accordance with the agreement attached in Appendix 1.
3. That the Chief Executive Officer be authorised to enter into a Planning Agreement and complete any documentation under Power of Attorney.
4. That those who made a submission be acknowledged and advised of Council's determination.

Steven Jennings
Manager Growth Planning

BACKGROUND

Council has received a request to enter into a Planning Agreement with Uungula Wind Farm Pty Ltd for a proposed wind farm (known as the Uungula Wind Farm), which is proposed to consist of 97 turbines and associated infrastructure, located approximately 14km east of Wellington.

The proposed development is classified as State Significant Development as it has an overall Capital Investment Value in excess of \$30 million. It is currently under assessment by the NSW State Government Department of Planning, Industry and Environment. The Proponent is hopeful that construction will commence in 2022, with the first turbines to be operating in 2023.

REPORT

1. Planning Agreement Structure

A copy of the draft Planning Agreement is attached here in **Appendix 1**. The terms of the draft Planning Agreement are as follows:

- Payment to Council of \$3,309 per annum per turbine constructed or proposed to be constructed.
- Payments escalated by CPI commencing on construction commencement date.
- Funds administered and allocated by a dedicated funding committee.
- Payments allocated across four funding parts as follows:

Part	Focus Area	Percentage (%) Expenditure Allocation of the Total Payments	
		Years 1-5	Year 6-onwards
Part 1	Strategic analysis	15	0
Part 2	Strategic projects	38	45.5
Part 3	Community benefit fund for projects carried out within the LGA	38	45.5
Part 4	Road maintenance works in the immediate locality	9	9

Part 1 – Strategic Analysis

Part 1 of the Planning Agreement would run for the first five years of the Planning Agreement and would be for Council to undertake a range of strategic planning projects in respect of the following:

- The role of renewable energy and agriculture and their relative importance in the Wellington region.
- How Council can strategically plan Wellington for a potential role as a renewable energy hub.
- Whether the development of renewables should occur in certain locations in the Wellington region.

Part 2 – Strategic Projects

Part 2 of the Planning Agreement would be for the provision of strategic projects throughout the Local Government Area. These projects would be identified in a Council approved Strategy or Plan, including the Community Strategic Plan, and the relevant Delivery Program and Operational Plan or a subsidiary Plan or Action Plan of Council.

Part 3 - Community Benefit Fund

Part 3 of the Planning Agreement will be for a Community Benefit Fund which will be administered by Council following recommendations from a Council Committee. Funds will be available for projects in the whole Dubbo Regional Local Government Area.

Part 4 - Road Maintenance Works

Part 4 of the Planning Agreement will be for the ongoing maintenance of Twelve Mile Road, Ungula Road, Wuuluman Road, Yarragal Road, Ilgingery Road and other roads in the locality to ensure the amenity of the area is maintained.

2. Results of Public Exhibition

The draft Planning Agreement and Explanatory Note were placed on public exhibition from Wednesday, 25 November 2020 to Friday, 5 February 2021. An advertisement was placed in the local newspaper, and the documents were displayed on Council's website.

Council received a total of six submissions during the public exhibition period. A copy of the submissions are attached here in **Appendix 2**. The submissions generally requested that funding from the Planning Agreement be used in the immediate locality and former Wellington Local Government Area, rather than the whole of the Dubbo Regional Local Government Area, as this community will be affected by the proposed development.

(a) Issues Raised in Submissions

A summary of each submission is provided below:

Submission 1 – Roger Everett:

“With this Planning Agreement promoting elements of the DRC’s charter under the Local Government Act 1993, surely the Wellington Community must have priority to the majority, if not all the money provided.

The proposed fund allocation, with no assured representation from Wellington, as the “totally impacted community”, appears to be “stacked” against appropriate fund distribution to Wellington.

It is in DRC’s ability to provide housing and facilities as an attraction for at least one private GP in Wellington. An attractive package could be structured to ensure Wellington has at least GP services in 3 years when the current 72 year old Doctor/Surgeon retires.

DRC need to more aggressively lobby State Government to include essential service funding to support “State Sensitive” Correctional Services and Renewable Energy developments so communities like Wellington are not degraded.

It is common to visit Wellington Hospital and be confronted with 4 or more Correctional Officers with a patient from one of the two Wellington Centres and no Doctor available, and to have to wait longer than 2 to 3 weeks for a private GP appointment in town.”

Submission 2 – Phillipa Smith:

“The community benefit fund should only be expended in the postcode area 2820 as this community will be, and has been, affected. I urge that the fund not be pooled to be spent in the whole DRC area. If this does not happen, I would like to hear reasons why the monies should be spent elsewhere.”

Submission 3 – Simon Barton:

“DRC should acknowledge that the funds made available to it should be spent in the local Wellington community when applications have been made by the local organisations that are eligible and not distributed through the whole council area.”

Submission 4 – Cameron Tonkins:

“60% of the Community Benefit Fund should be spent inside the 2820 Wellington post code, and RFS Orana should receive a set percentage of the VPA. The Road maintenance component should be audited separately and be applied over and above operation expenditure on DESIGNATED roads intrinsic to project area. During and post construction for duration of VPA.”

Submission 5 – Helen Moran:

“The expenditure of the community benefit should be limited to community initiatives in the postcode area 2820 solely as this is the community which is directly impacted by the proposed windfarm development.”

Submission 6 – Penny Holland:

“It would be very beneficial to road users along the Wellington to Mudgee road and to the residents of Wuuluman to be able to fund a mobile phone tower in the area to create better mobile coverage. This would also help with the wind farm construction.”

(b) Response to Submissions

Fund distribution in the Local Government Area

Funds from “Funding Part 1 – Strategic Analysis” and “Funding Part 4 – Road Maintenance Works” will be dedicated entirely to the region for strategic analysis to be undertaken of the relationship between renewables and the agricultural production capacity of lands, and road maintenance purposes.

Funds from “Funding Part 3 - Community Benefit Fund” will be for any project proposed to be carried out within the Local Government Area that is aimed at:

- Enhancing any aspect of the local government area including, but not limited to, ameliorating any impacts from the Ungula Wind Farm;
- Providing any community service or facility or benefit or educational assistance; or
- Members of the community through incorporated or registered not-for-profit.

It is Council’s intent for the Planning Agreement to apply to the whole Dubbo Regional Local Government Area due to reasons of efficiency in governance and to ensure equity can be maintained in spending for the community. The Dubbo Regional Council Solar and Wind Farm Consultative Committee will receive and consider applications from the public, and provide recommendations to Council on which projects should be funded.

Calls for funding application specific to Funding Part 3 will be made during November to January in each year in which there are funds available.

Hospital, Correctional Centre and Mobile Coverage

In respect of issues raised regarding the Wellington Hospital and Wellington Correctional Centre, these facilities are funded by the NSW State Government.

Following consideration of a Mayoral Minute at its meeting on 23 November 2020, Council resolved:

- "1. That Council write to the NSW Health Minister Brad Hazzard, Premier Gladys Berejiklian, and Member for Dubbo Dugald Saunders outlining Council's concerns about Wellington's service provisions.*
- 2. That wherever possible, Council advocate for better health services for Wellington as a matter of urgency."*

The 2040 Community Strategic Plan also requires Council to 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.

In respect of issues raised regarding the mobile coverage, the 2040 Community Strategic Plan requires Council to engage with government and providers to advocate the expeditious roll-out of enhanced telecommunications/data services.

3. Uungula Wind Farm Community Consultative Committee

The Uungula Wind Farm Community Consultative Committee (CCC) was established early in the state significant development application process through the Planning Secretary's environmental assessment requirements. The purpose of the Uungula Wind Farm CCC is to provide a forum for discussion between a proponent and representatives of the community and Council on issues relating directly to the project.

The NSW Department of Planning and Environment developed the Community Consultative Committee Guideline in January 2019 to clarify the roles and responsibilities of CCCs and to help them operate effectively. A copy of the guideline is attached here in **Appendix 3**.

As noted in the guidelines, a CCC is not a decision making or regulatory body; it performs an advisory and consultative role specifically to the subject development. The Uungula Wind Farm CCC is not created for the purposes of providing recommendations to Council as to how funding should be spent.

As a result, the Uungula Wind Farm CCC will not provide recommendations to Council as to how funding should be spent.

SUMMARY

Council, at its meeting held on 9 November 2020, considered a report in respect of a draft Planning Agreement for Uungula Wind Farm. Council resolved, in part:

- "2. That the draft Planning Agreement be placed on public display in accordance with the provisions of the Environmental Planning and Assessment Act 1979."*

The draft Planning Agreement and Explanatory Note was placed on public exhibition from Wednesday, 25 November 2020 until Friday, 5 February 2021. Council received a total of six submissions during the public exhibition period.

Following a review of all submissions, this report recommends that Council enter into a Planning Agreement with Uungula Wind Farm Pty Ltd, in accordance with the agreement attached here in **Appendix 1**.

Appendices:

- 1 [!\[\]\(e69eba4b1f086241d8d8d8a8e753759e_img.jpg\)](#) Draft Uungula Wind Farm Planning Agreement
- 2 [!\[\]\(591a024a953a945832232685d607fee3_img.jpg\)](#) Submissions
- 3 [!\[\]\(17ba4fd303ec5db1ef1e1be19dbb8af1_img.jpg\)](#) Community Consultative Committee Guideline - 31 January 2019

Uungula Wind Farm

Planning Agreement

Between
Dubbo Regional Council

Uungula Wind Farm Pty Ltd

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Planning Agreement

Date

Between the parties	
	Dubbo Regional Council ABN 53 539 070 928 of Corner of Church and Darling Street, Dubbo NSW 2830 (Council)
	Uungula Wind Farm Pty Ltd ABN 68 143 399 295 of Suite 1.01 Level 1, 17 Moore Street, Canberra, ACT 2601 (Company)
Recitals	<ol style="list-style-type: none"> 1 The Company has agreed to pay Monetary Contributions in relation to the Uungula Wind Farm to the Council's Uungula Wind Farm (VPA), which consists of four separate funding parts, on the terms of this agreement. 2 The Council agrees to be the custodian of the Monetary Contributions paid by the Company to the Uungula Wind Farm VPA and to distribute and expend the funds in the Uungula Wind Farm VPA in accordance with this agreement, the four funding parts and the Resolutions of Council's Solar and Wind Farm Consultative Committee. 3 The Company has lodged the Uungula Wind Farm Development Application.
Now it is agreed as follows:	

1 Definitions and interpretation

1.1 Definitions

The meanings of the terms used in this agreement are set out below.

Term	Meaning
Approved Local Projects	Each Local Project for whatever purpose (as determined by Council after recommendation by the Committee) approved for funding from the Ungula Wind Farm (VPA) in accordance with this agreement.
Auditor	An appropriately qualified auditor appointed by the Council.
Dubbo Regional Council Solar and Wind Farm Consultative Committee	the Dubbo Regional Council Solar and Wind Farm Consultative Committee to assist in administration of the Ungula Wind Farm (VPA) . The Committee is comprised of: <ul style="list-style-type: none"> • The Mayor • Two (2) Councillors • Chief Executive Officer • Director Liveability • Director Development and Environment
Committed Turbine to be Constructed	the number of wind turbines committed to be constructed as notified to the Council within 30 days after the Construction Commencement Date then annually upon 1 July. A Committed Turbine to be Constructed is no longer a Committed Turbine to be Constructed once it becomes Operating Turbines.
Contribution Year	Means every 12 month period from 1 July each year.
Construction Commencement Date	The same definition as provided in the Ungula Wind Farm Development Consent.
Costs	Includes costs, charges and expenses, including those incurred in connection with advisers. The cost of administering the Ungula Wind Farm (VPA) shall be paid to Council out of the Monetary Contribution on an as needed

Term	Meaning
	basis and shall be no more than \$5,000 per annum, indexed to CPI over the life of the project
EP&A Act 1979	The <i>Environmental Planning and Assessment Act 1979 (NSW)</i> as amended from time to time.
Uungula Wind Farm (VPA)	The fund to be established by Council and administered in accordance with this agreement.
Funding Part	Any one of the four funding parts: Funding Part 1, Funding Part 2, Funding Part 3, Funding Part 4.
Funding Part 1	<p>Strategic Analysis as defined by Council including but not limited to:</p> <ul style="list-style-type: none"> - Analysing the role of renewable energy and agriculture in the Wellington region. - Strategic planning to position Wellington to capitalise on renewable energy. - How can Dubbo Regional Council strategically plan Wellington for a potential role as a renewable energy hub?
Funding Part 2	Strategic Projects as defined by Council in the 2040 Community Strategic Plan and the relevant Delivery Program and Operational Plan or a subsidiary Plan or an Action Plan of Council, including but not limited to the Wellington Town Centre Plan.
Funding Part 3	Community Benefit Fund for eligible Local Projects across the Dubbo Regional Local Government Area.
Funding Part 4	Road Maintenance Works for ongoing maintenance of Twelve Mile Road, Uungula Road, Wuuluman Road, Yarragal Road and Ilgingery Road.
Index Number	The Consumer Price Index for Canberra number or equivalent index published from time to time by the Australian Bureau of Statistics.

Term	Meaning
Local Projects	Any projects proposed to be carried out within the Dubbo Regional Council Local Government Area eligible under Funding Part 3 which are aimed at: <ul style="list-style-type: none"> - enhancing any aspect of the local environment including, but not limited to, ameliorating any impacts from the Ungula Wind Farm; - providing any community service or facility or benefit or educational assistance; or - members of the community through incorporated or registered not for profit
Mediator	A person appointed as mediator under clause 11.5 of this agreement.
Monetary Contribution	The amount of \$3,309 per annum per turbine constructed or under construction within Dubbo Regional Council Local Government Area as adjusted in accordance with clause 5.1(c) of this agreement.
Operating Turbine	Each wind turbine constructed and commissioned as part of the Ungula Wind Farm which generates electricity into the transmission network during any part of the relevant Contribution Year within Dubbo Regional Council Local Government Area.
Regulation	<i>The Environmental Planning and Assessment Regulation 2000</i>
Uungula Wind Farm Development Application	The application SSD 6687 lodged with the Minister for Planning under the EP&A Act 1979 on 20 May 2020, as modified from time to time.
Uungula Wind Farm Development Consent	The development consent granted by the Minister pursuant to the Uungula Wind Farm Development Application as modified from time to time.
Uungula Land	<ul style="list-style-type: none"> - all land on which it is proposed that associated and ancillary infrastructure for the Uungula Wind Farm that is within the Dubbo Regional Local Government Area as specified in the Uungula Development Consent; and

Term	Meaning
	- the land that is the subject of and is described in the Ungula Wind Farm Development Application.
Uungula Wind Farm	the construction and operation of a wind energy facility to be known as the Uungula Wind Farm, on the Uungula Land consisting of up to 97 wind turbines, an energy storage facility, ancillary infrastructure and associated infrastructure as authorised by the Uungula Wind Farm Development Consent. Also referred to in this agreement as the Development.
Uungula Wind Farm Community Consultative Committee	a Community Consultative Committee for the Uungula Wind Farm in accordance with the NSW Government's Community Consultative Committee Guidelines for State Significant Projects January 2019

1.2 Interpretation

- (a) Clause headings are for convenience only and will be ignored in the interpretation of this agreement.
- (b) References to a party include the successors and permitted assigns of that party.
- (c) Words importing the singular include the plural and words importing the plural include the singular.
- (d) Words importing a person include a corporation, firm or body corporate.
- (e) Nothing contained in this agreement will be deemed or construed as creating the relationship of partnership.
- (f) References to a month mean a calendar month and a reference to a year means a calendar year.
- (g) References to any document include any permitted amendment, supplement to or replacement or novation of the document.
- (h) References to any legislation or to any section or provision of any legislation includes any:
 - (1) statutory modification or re-enactment of or any statutory provision substituted for that legislation, section or provision; or
 - (2) ordinances, by-laws, regulations and other statutory provision substituted for that legislation, section or provision.
- (i) Other grammatical forms of defined words or expressions have corresponding meanings.
- (j) 'Including' and similar expressions are not words of limitation.

2 Planning Agreement

The parties agree that this agreement is a planning agreement governed by Subdivision 2 of Division 7.1 of Part 7 of the EP&A Act 1979.

3 Application of this agreement

This agreement applies to the Uungula Wind Farm Development Consent and evidences the Company and the Company's compliance with the relevant condition(s) of the Uungula Wind Farm Development Consent.

4 Operation of this agreement

The parties agree that this agreement will not operate or bind the parties unless and until the Company achieves the Construction Commencement Date.

5 Payment of the Monetary Contribution

5.1 The Monetary Contribution

- (a) The Company must pay to the Council the Monetary Contribution in arrears within 14 days of 1 July of each year for each Committed Turbine to be constructed during the preceding Contribution Year.
- (b) The Company must pay to the Council the Monetary Contribution in arrears within 14 days of 1 July of each year for each turbine which was an Operating Turbine during the preceding Contribution Year.
- (c) The parties agree that the Monetary Contribution will be reviewed on 1 July of each year in accordance with the following formula:

$$MC = \frac{A \times B}{C}$$

Where:

MC = the Monetary Contribution payable for the following Contribution Year;

A = the Monetary Contribution payable during the Contribution Year just ended;

B = the Index Number last published before the end of the Contribution Year just ended; and

C = the Index Number last published before the commencement of the Contribution Year just ended.

- (d) The monetary contribution is a taxable supply for GST in accordance with Clause 12.

5.2 General

- (a) The obligation of the Company to pay any Monetary Contribution under this agreement will cease on the date on which the last of the Operating Turbines is decommissioned.
- (b) The parties agree that the Monetary Contribution paid in accordance with this agreement will have the public purpose of facilitating the Funding Parts.
- (c) The Company agrees to pay interest on any overdue part or whole of the Monetary Contribution payable:
 - (1) from the date on which the overdue part or whole of the Monetary Contribution is due for payment under this agreement;
 - (2) until the date on which the overdue part or whole Monetary Contribution is paid,
 at the bank bill swap interest rate within Australia that is published by the Australian Financial Markets Association, during the relevant period when the relevant Monetary Contribution is overdue.

6 Ungula Wind Farm VPA

6.1 Establishment of the Ungula Wind Farm VPA

- (a) The Council must hold and apply all Monetary Contributions paid by the Company under this agreement in accordance with clause 5.2(b).
- (b) The Council must invest all Monetary Contributions paid by the Company under this agreement in an interest-Ungula Wind Farm VPA pursuant to the provisions of section 625 of the Local Government Act 1993.
- (c) The Committee may disburse Monetary Contributions paid by the Company under this agreement to any Funding Part in accordance with the percentage allocations outlined in Schedule 2.

6.2 The Dubbo Regional Council Solar and Wind Farm Consultative Committee

- (a) The Council must establish the Committee on or before the date on which the first instalment of the Monetary Contribution is paid under this agreement.
- (b) The Council must procure that the role of the Committee includes:
 - (1) the allocation of funds across each Funding Part in accordance with percentage allocations outlined in Schedule 2.
 - (2) to determine the form in which applications for funding for Local Projects under Funding Part 3 from the Ungula Wind Farm VPA;
 - (3) to recommend to the Council which applications for funding for Local Projects should be funded under Funding Part 3; and
 - (4) to appoint the Auditor as required by clause 6.7(a).

6.3 Notification to Company

The Council must procure that the Dubbo Regional Council Solar and Wind Committee:

- (a) annually notifies the Company by 28 February annually of the proposed targets of funding under each Funding Part for the following 12 month period including the amounts of funding];
- (b) annually notifies the Company by 28 February annually of the recipients of funding under each Funding Part for the preceding 12 month period including the amounts of funding
- (c) if requested by the Company, consult the Company in relation to applications made for funding for Local Projects from the Ungula Wind Farm VPA.

6.4 Call for Funding Applications Specific to Funding Part 3

During:

- (a) November to January in each year in which there are funds in the Ungula Wind Farm VPA Funding Part 3; or
 - (b) Any further period determined by the Council, Committee and the Company,
- Uungula Wind Farm the Council must publicly advertise in relevant local media and in the local newspapers the availability of funds in the allocation for Funding Part 3 in the Ungula Wind Farm VPA and call for applications to be made to Council, in the form required Council (**Funding Applications**).

6.5 Allocation of Funds

- (a) The Council must procure that the Committee makes recommendations to the Council as to the target activities under each Funding Part the Committee recommends be funded from the Ungula Wind Farm VPA.
- (b) The Council must allocate funds by Funding Part in accordance with the percentage allocations outlined in Schedule 2.
- (c) The agreement expressly authorises Council to progressively or otherwise pool funds to fund prioritised activities under each Funding Part.
- (d) The Council must:
 - (1) consider the funding recommendations of the Committee;
 - (2) procure that Council confirms which target activities or Local Projects under each Funding Part will be funded from the Ungula Wind Farm VPA;
- (e) Uungula Wind Farm consider any Committee consultation with the Company pursuant to clause 6.3(c). The Council must pay funds from the Ungula Wind Farm VPA to each target activity or Local Project under the relevant Funding Part and may require each Approved Local Project to enter into a Funding Agreement where appropriate.

6.6 Public Recognition

- (a) The Council must publicly and positively acknowledge:
 - (1) the payment of the Monetary Contribution by the Company; and
 - (2) the Company's role in funding any each target activity or Local Project under the relevant Funding Part via the Ungula Wind Farm VPA.
- (b) The form of public acknowledgment required by clause 6.6(a) is to be agreed by the Council and the Company (acting reasonably) but must include:

- (1) The prominent inclusion of the Company's logo in any advertisement for Funding Applications or an announcement made in relation to the target activity or Local Project under the relevant Funding Part (including Approved Local Projects); and
- (2) where appropriate for particular each target activity or Approved Local Project under the relevant Funding Part, a permanent sign recognising that the target activity or Approved Local Project under the relevant Funding Part was funded by the Company via the Ungula Wind Farm VPA.

6.7 Auditing

- (a) During each year in which there are funds in the Ungula Wind Farm VPA, the Council must appoint an Auditor to reconcile:
 - (1) the Monetary Contribution paid by the Company under clause 5;
 - (2) any payments made by the Council in accordance with clause 6.5; and identify any corrective payments required.
- (b) The Company and the Council must make any corrective payments identified by the Auditor as being necessary to reconcile the Ungula Wind Farm VPA.
- (c) The costs of the Auditor will be paid out of the Ungula Wind Farm VPA.

7 Application of sections 7.11 and 7.12 of the EP&A Act 1979 to the Development

The parties agree that as the Ungula Wind Farm is wholly excluded from the application of sections 7.11 and 7.12 of the EP&A Act 1979, the terms of this agreement and the Ungula Wind Farm VPA are, in effect, offered by the Company in substitution for the contributions that would otherwise be made under sections 7.11 or 7.12 of the EP&A Act 1979.

8 No Registration

The parties agree that this agreement will not be registered on the Ungula Land pursuant to section 7.6 of the EP&A Act 1979.

9 Disposal by the Company of its interest in the Development

- (a) Subject to clause 9(b), the Company must not without the consent of the Council and the Minister (as appropriate, which consent shall not be unreasonably withheld or delayed) assign, transfer or otherwise deal with the Company's rights, duties or obligations under this agreement.
- (b) The Council and the Minister agree that the Company may assign, transfer or otherwise deal with the Company's rights, duties or obligations under this agreement to:

- (1) a related body corporate of the Company (within the meaning of the *Corporations Act 2001* (Cth)) or a partnership comprised of related bodies corporate of the Company;
 - (2) a joint venturer or partner of the Company in respect of the Uungula Wind Farm; or
 - (3) any third party, subject to the Company proving to the reasonable satisfaction of the Council and the Minister (as appropriate) that such party is able to comply with the Company's obligations under this agreement (and to avoid any doubt the consent of the Council and the Minister (as appropriate) is not required if the third party has, or is a related body corporate of a company (within the meaning of the *Corporations Act 2001* (Cth)) which has experience with wind farm projects or other similar infrastructure projects),
without the consent of the Council and the Minister (as appropriate).
- (c) The Company shall be released and discharged from any obligations under this agreement on and from the date of the assignment and the performance of the terms of this agreement from the date of the assignment and from all claims and demands in connection with this agreement that arise after the date of the assignment in the event of the Company assigning Company's rights and obligations under this agreement provided always that the Company is responsible for any action claim or demand with respect of the performance of this agreement for any period prior to and including the date of the assignment.

10 No fetter

Nothing in this agreement shall be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

11 Dispute Resolution

11.1 Notice of Dispute

If a party claims that a dispute has arisen under this agreement (**Claimant**), it must give written notice to the other party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (**Claim Notice**).

11.2 Response to Notice

Within 20 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 Negotiation

The nominated representatives must:

- (a) meet to discuss the matter in good faith within 10 business days after service by the Respondent of notice of its representative; and

- (b) use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 Further Notice if not Settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Dispute Notice**).

11.5 Mediation

The parties agree that a dispute shall be mediated if it is the subject of a Dispute Notice, in which case:

- (a) the parties must agree the terms of reference of the mediation within 5 business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) the appointment of a Mediator will be agreed between the parties, or failing agreement within 5 business days of receipt of the Dispute Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply to appoint a mediator;
- (c) the Mediator appointed pursuant to this clause 11.5 must:
 - (1) have reasonable qualifications and practical experience in the area of the dispute; and
 - (2) have no interest or duty which conflicts or may conflict with her function as mediator, she being required to fully disclose any such interest or duty before her appointment;
- (d) the Mediator shall be required to undertake to keep confidential all matters coming to her knowledge by reason of her appointment and performance of her duties;
- (e) the parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (f) the parties agree to be bound by any mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- (g) in relation to costs and expenses:
 - (1) each party will bear their own professional and expert costs incurred in connection with the mediation;
 - (2) the costs of the Mediator will be shared equally by the parties unless the Mediator determines a party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that party.

11.6 Litigation

If the dispute is not finally resolved in accordance with clause 11.5, either party is at liberty to litigate the dispute.

11.7 Exchange of information

The parties acknowledge that the purpose of any exchange of information or documents or the making of any offer of settlement pursuant to this clause is to attempt to settle the dispute between the parties. No party may use any information or documents obtained through the dispute resolution process established by this clause 11 for any purpose other than an attempt to settle a dispute between the parties.

11.8 Continue to perform obligations

Each party must continue to perform its obligations under this agreement, notwithstanding the existence of a dispute.

12 GST

12.1 Interpretation

- (a) Except where the context suggests otherwise, terms used in this clause 7 have the meanings given to those terms by the *A New Tax System (Goods and Services Tax) Act 1999* (as amended from time to time).
- (b) In this clause 12:
 - (1) **"monetary consideration"** means any consideration expressed as an amount of money; and
 - (2) **"non taxable supply"** means a supply that is not a taxable supply.
- (c) Any part of a supply that is treated as a separate supply for GST purposes (including attributing GST payable to tax periods) will be treated as a separate supply for the purposes of this clause.
- (d) A reference to something done (including a supply made) by a party includes a reference to something done by any entity through which that party acts.

12.2 Reimbursements

Any payment or reimbursement required to be made under this agreement that is calculated by reference to a cost, expense, or other amount paid or incurred will be limited to the total cost, expense or amount less the amount of any input tax credit to which an entity is entitled for the acquisition to which the cost, expense or amount relates.

12.3 Additional amount of GST payable

If GST becomes payable on any supply made by a party ("**Supplier**") under or in connection with this agreement:

- (a) any amount payable or consideration to be provided under any provision of this agreement (other than this clause), for that supply is exclusive of GST;
- (b) any party ("**Recipient**") that is required to provide consideration to the Supplier for that supply must pay an additional amount to the Supplier equal to the amount of the GST payable on that supply ("**GST Amount**") at the same time as any other consideration is to be first provided for that supply; and

- (c) the Supplier must provide a tax invoice to the Recipient for that supply, no later than the time at which the GST Amount for that supply is to be paid in accordance with this clause.

12.4 Variation

- (a) If the GST Amount properly payable in relation to a supply (as determined in accordance with clause 12.3), varies from the additional amount paid by the Recipient under clause 12.3, then the Supplier will provide a corresponding refund or credit to, or will be entitled to receive the amount of that variation from, the Recipient.
- (b) The Supplier must issue an adjustment note to the Recipient in respect of any adjustment event occurring in relation to a supply made under or in connection with this agreement as soon as reasonably practicable after the Supplier becomes aware of the adjustment event.

13 General

13.1 Costs

The parties agree to meet their own Costs in connection with:

- (a) the negotiation, preparation and execution of this agreement;
- (b) performing its obligations under this agreement; and
- (c) the advertising and exhibiting of this planning agreement in accordance with the EP&A Act 1979.

13.2 Notices

- (a) A party notifying or giving notice under this agreement must do so in writing addressed to that party in accordance with the details nominated in Schedule 1 (or any alternative details nominated to the sending party by notice).
- (b) A notice given in accordance with clause 13.2(a) will be deemed to have been given and received:
 - (1) if delivered, on receipt;
 - (2) if posted via registered post, three business days after posting;
 - (3) if sent by email on confirmation of the correct transmission of the email; and
 - (4) any notice received after 5.00 pm or on a day not a business day shall be deemed to have been received at 9.00 am on the next business day.

13.3 Waiver

- (a) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this agreement, does not amount to a waiver of any obligation of, or a breach of obligation by, another party;
- (b) A waiver by a party is only effective if it is in writing and signed by the party against whom the waiver is claimed;

- (c) A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

13.4 Governing Law

This agreement is governed by New South Wales law and each party irrevocably submits to the exclusive jurisdiction of courts exercising jurisdiction in New South Wales and courts of appeal from them in respect of any proceedings arising out of or in connection with this agreement.

13.5 Prior Agreements Superseded

This agreement:

- (a) wholly replaces and excludes all prior agreements, correspondence, negotiations, representations, explanations and statements between the parties covering or in connection with the matters covered by this agreement; and
- (b) is the entire agreement between the parties in respect of the matters covered by this agreement.

13.6 Modification of Agreement

- (a) The parties note that pursuant to clause 25C of the Regulation, this Agreement may be amended or revoked by further agreement in writing signed by the parties to the Agreement (including by means of a subsequent planning agreement).
- (b) The parties note that in the event that this agreement is amended or revoked, Council is to ensure that public notice of the proposed amendment or revocation is given in accordance with clause 25D of the Regulation.

13.7 Representations and Warranties

The parties represent and warrant that they have power to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any law.

13.8 Severability

- (a) If any provision of this agreement is invalid under the law of any jurisdiction the provision is enforceable in that jurisdiction to the extent that it is not invalid, whether it is in severable terms or not.
- (b) Clause 13.8(a) does not apply where the provision to be severed would materially adversely affect the nature or extent of a party's obligations under this agreement.

13.9 Confidentiality, Media Releases and Enquiries

- (a) The parties agree that the terms of this executed agreement are not confidential and this agreement may be treated as a public document and exhibited or reported without restriction by any party.

- (b) If requested by a party, the other party must not issue, publish or authorise any media release or advertisement concerning this agreement, without obtaining the other party's prior written approval (which approval may not be unreasonably withheld).

13.10 Counterparts

This agreement may be executed in any number of counterparts that together will constitute one instrument. A party may execute this agreement by signing any counterpart.

13.11 No Fiduciary Relationship

Nothing in this agreement will be construed or interpreted as constituting the relationship between the parties as that of a partnership, joint venture or any form of fiduciary relationship.

13.12 Further Acts

Each party must promptly execute all documents and do all things reasonably required to effect, perfect or complete this agreement and all transactions incidental to it.

13.13 Enforcement

Subject to compliance with clause 11, this agreement may be enforced by any party in any court of competent jurisdiction.

Schedule 1

Schedule 1: Notice Details

Dubbo Regional Council

Address	PO Box 81 DUBBO NSW 2830
Attention	Chief Executive Officer
Email	council@dubbo.nsw.gov.au

Uungula Wind Farm Pty Ltd

Address	Suite 1.01 Level 1 17 Moore Street CANBERRA ACT 2601
Attention	Company Secretary
Email	uwf.notices@cwprenewables.com

Schedule 2

Schedule 2: Funding Composition

Funding Part	Focus Area	Percentage (%) Expenditure Allocation of the Total	
		Year 1-5	Year 6-onwards
Funding Part 1	Strategic Analysis as defined by Council in <DOCUMENT>	15	0
Funding Part 2	Strategic Projects as defined by Council in <DOCUMENT>	38	45.5
Funding Part 3	Community Benefit Fund	38	45.5
Funding Part 4	Road Maintenance Works	9	9

Executed as an agreement

The Common Seal of Dubbo Regional
Council ABN 53 539 070 928 is fixed to
this document in the presence of:

Signature of sole Director and sole
Company Secretary

Full name (print)

Signed and delivered for
Dubbo Regional Council

sign here ► _____
Authorised Officer

print name _____

in the presence of

sign here ► _____
Witness

print name _____

(Date)

Signed and delivered for
Uungula Wind Farm Pty Ltd

sign here ► _____
Authorised Officer

print name _____

in the presence of

sign here ► _____
Witness

print name _____

_____(Date)

Executed by Uungula Wind Farm Pty Ltd)
ABN ABN 68 143 399 295 Company)
in accordance with section 127(1) of the)
Corporations Act 2001 (Cth):

Signature of director

Signature of director

Name (please print)

Name (please print)

Archived: Friday, 5 February 2021 4:12:56 PM
From:
Sent: Wed, 6 Jan 2021 19:41:33
To:
Subject: Uungala Wind Farm Draft Planning AgreementResponse Submission
Sensitivity: Normal

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

The Chief Executive Officer
Dubbo Regional Council

Dear Mr Mc Mahon,

Further to my previous email enquiry and your response I have accessed and read the subject document.

With the declaration of Wellington as a "NSW Renewable Energy Hub" there has been considerable change of land use, new Solar and Wind generation construction on top of two large Correctional Facilities, with rumour of a third Correctional Facility on the same site.

With the considerable benefit of State Government "Amalgamation Funding" Wellington has benefited with upgraded recreational facilities, and Main Street appearance improvement and I know most ratepayers are grateful and appreciative.

Unfortunately however essential services especially 24hour Policing, sufficient Medical private GP's and appropriate Hospital Services do not meet the minimum reasonable requirements for these expansions.

With this "Planning Agreement" "promoting elements of the DRC's charter under the Local Government Act 1993" and aiming "to provide efficient services to meet the diverse needs of the LOCAL community in a way that provides best possible value for residents and ratepayers" surely the Wellington Community must have priority to the majority, if not all of the \$320973 provided.

The proposed fund allocation committee comprising the Mayor, yourself as CEO, Director of Livability, Director of Development and Environment and 2 Councillors with no assured representation from Wellington, as the "totally impacted community", appears to be "stacked" against appropriate fund distribution to Wellington.

It is in DRC's ability, as speculated by the Mayor in the recent media, to provide housing and facilities as an attraction for at least one private GP in Wellington. With Federal Regional support Funding accessible through DRC, and as detailed recently in a letter from Mark Coulson, an attractive package could be structured to ensure Wellington has at least GP services in 3 years when the current 72 year old Doctor/Surgeon retires.

With your involvement in the Planning Process DRC need to more aggressively lobby State Government to include essential service funding to support "State Sensitive" Correctional Services and Renewable Energy developments so communities like Wellington are not degraded.

It is common to visit Wellington Hospital and be confronted with 4 or more Correctional Officers with a patient from one of the two Wellington Centres and no Doctor available, and to have to wait longer then 2 to 3 weeks for a private GP appointment in town.

As the only negatively impacted community from these developments surely any funds procured from developers should be assigned to essential back up services first, and a fund distribution committee formed by DRC to ensure this should be mandatory.

Yours Sincerely
Roger Everett

Archived: Friday, 5 February 2021 4:12:58 PM

From:

Sent: Fri, 29 Jan 2021 03:41:34

To:

Subject: Submission - Draft Planning Agreement Ungula Wind Farm

Sensitivity: Normal

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

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

First Name:	Phillipa
Surname:	Smith
Email:	[REDACTED]
Address:	[REDACTED]
Contact Telephone Number:	[REDACTED]
Comments:	<p>To Whom it may concern, DRC CEO and Councillors,</p> <p>I would like to ask that you please consider that the community benefit fund given by CWP for intended the Ungula Wind Farm which is situated at Wuuluman/Spicer's Creek and the Wellington area to be administered by the local Council, that the funds are expended in the postcode area 2820 community as it is our community that has, is and will be affected.</p> <p>I strongly feel that the intended community funds for expenditure on projects be only for the benefit of Wuuluman, Spicers Creek and Wellington district residents please.</p> <p>I urge that the funds not be pooled to be spent in the whole DRC area</p> <p>DRC has formed a new committee in 2020, DRC Solar and Wind Farm Consultative Committee, comprising a number of Councillors and Council staff, which is supposedly going to deal with allocation of funding - I strongly believe that the right thing to do for our Wellington Community is that the focus should be on ensuring that these funds are made available only for organisations in the Wuuluman, Spicer's Creek and Wellington districts (Postcode 2820) which I know was the initial intention of CWP.</p> <p>If this does not happen I would like to hear DRC reasons for why the monies should be spent elsewhere please.</p> <p>my email is [REDACTED]</p> <p>thank you for your time</p> <p>love Pip Smith</p>

File Upload if Required:	
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Archived: Friday, 5 February 2021 4:13:00 PM
From:
Sent: Fri, 29 Jan 2021 22:55:57
To:
Subject: Submission - Draft Planning Agreement Ungula Wind Farm
Sensitivity: Normal

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

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

First Name:	Simon
Surname:	Barton
Email:	[REDACTED]
Address:	[REDACTED]
Contact Telephone Number:	[REDACTED]
Comments:	<p>I believe that DRC should when entering into the planning agreement acknowledge that the funds made available to it should be spent in the local Wellington community when applications have been made by the local organisations that are eligible and not distributed through the whole council area.</p> <p>We need to keep this funding local as that is where this project is located and the locals are affected by it.</p>
File Upload if Required:	

Archived: Friday, 5 February 2021 4:13:01 PM
From:
Sent: Sun, 31 Jan 2021 20:42:21
To:
Subject: Submission - Draft Planning Agreement Ungula Wind Farm
Sensitivity: Normal

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

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

First Name:	Cameron
Surname:	Tomkins
Email:	[REDACTED]
Address:	[REDACTED]
Contact Telephone Number:	[REDACTED]
Comments:	<p>60% of all Community Benefit Fund should be spent inside the 2820 Wellington post code for duration of the VPA.</p> <p>RFS Orana should receive a set percentage of the VPA.</p> <p>Road maintenance component should be audited separately and be applied over and above operation expenditure on DESIGNATED roads intrinsic to project area. During and post construction for duration of VPA.</p>
File Upload if Required:	

Archived: Friday, 5 February 2021 4:13:02 PM

From:

Sent: Tue, 2 Feb 2021 20:32:39

To:

Subject: Submission - Draft Planning Agreement Ungula Wind Farm

Sensitivity: Normal

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

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

First Name:	HELEN
Surname:	MORAN
Email:	[REDACTED]
Address:	[REDACTED]
Contact Telephone Number:	[REDACTED]
Comments:	I would like to request that the expenditure of the community benefit fund given by CWP for the planned Ungula Wind Farm be limited to community initiatives in the postcode area 2820 solely as this is the community which is directly impacted by the proposed windfarm development. Further this is consistent with the initial intention of CWP.
File Upload if Required:	

Archived: Friday, 5 February 2021 4:12:58 PM

From:

Sent: Tue, 8 Dec 2020 12:18

To:

Subject: Submission - Draft Planning Agreement Uungula Wind Farm

Sensitivity: Normal

[EXTERNAL Message: Be cautious of clicking on links or opening attachments.]

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

First Name:	PENNY
Surname:	HOLLAND
Email:	
Address:	
Contact Telephone Number:	
Comments:	It would be very beneficial to road users along the Wellington to Mudgee road and to the residents of Wuuluman to be able to fund a mobile phone tower in the area to create better mobile coverage. This would also help with the wind farm construction
File Upload if Required:	



Community Consultative Committee Guideline

*State
Significant
Projects*

January 2019

January 2019

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ISBN XXX-X-XXXX-XXXX-X

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The Department of Planning and Environment (the Department) is committed to community engagement in the NSW planning system. It recognises that people should have a say in matters that affect their lives, and that community engagement results in better planning outcomes.

State significant projects are large, complex, and can have major economic, social and environmental impacts over a long time.

The Department encourages proponents to consult widely with the community and stakeholder groups at all stages of these projects.

This is to ensure that the community and stakeholder groups are:

- o kept informed of the status of projects, any new initiatives, and the performance of proponents
- o consulted on the development of projects, management plans and proposed changes to approved projects
- o able to provide feedback to proponents on key issues that may arise during the development or implementation of projects.

Effective community engagement can occur in many ways, and proponents should be innovative when they engage with the community and use a range of tools and techniques. They should also tailor their engagement to reflect the scale and nature of the project and its potential impacts.

For many years, Community Consultative Committees have played an important role in ensuring proponents engage with the community and stakeholder groups on State significant projects.

The Department has developed this guideline to clarify the roles and responsibilities of Community Consultative Committees, and to help these committees operate effectively.

This guideline will apply to the establishment and operation of all new Community Consultative Committees, and to the ongoing operation of existing committees (to the extent they are relevant).

If there is any doubt about the application of this guideline, the matter should be referred to the Department for resolution.

This guideline will be reviewed every 5 years to keep it up to date.

1 Purpose of the committee

The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.

A Community Consultative Committee is not a decision-making or regulatory body: it performs an advisory and consultative role.

Government agencies will remain responsible for ensuring proponents comply with any statutory obligations.

More specifically, the purpose of the committee is to:

1. establish good working relationships and promote information sharing between the proponent, local community, stakeholder groups and councils on individual State significant projects



2. allow the proponent to keep the community informed about projects, seek community views on projects, and respond to matters raised by the community
3. allow community members and local councils to seek information from the proponent and give the proponent feedback on the development and implementation of projects to assist with the delivery of balanced social, environmental and economic outcomes for the community, including:
 - the development of new projects or proposed changes to approved projects
 - the implementation of any conditions of approval and management plans
 - the results of any monitoring, annual reviews or independent audits
 - community concerns about the project
 - the resolution of community complaints
 - any community initiatives.

2 Establishment of the committee

The Department will decide whether a Community Consultative Committee should be established for a State significant project, considering factors such as:

- the scale and nature of the project and its potential impacts
- the level of public interest in the project
- the proponent's community engagement strategy
- whether a Community Consultative Committee would complement any other consultation initiatives being undertaken.

If a proponent's community engagement strategy accords with best practice and is appropriately tailored to the particular characteristics of a project, there should be no need for a Community Consultative Committee in the early stages of a project.

For some long linear infrastructure projects, such as major road or rail projects, the Department may require several committees to be established, covering different areas of the project.

If the Department decides a Community Consultative Committee is warranted, it will require proponents to establish these committees either:

- early in the assessment process through the Planning Secretary's environmental assessment requirements (SEARs) for the project
- following approval through the conditions of approval for the project.

It may also specify other matters in these requirements or conditions, such as the composition of the committee and frequency of committee meetings.

In cases where proponents are required to establish Community Consultative Committees in the SEARs, the Department will not exhibit the project application before the proponent has complied with the relevant SEARs.

Proponent | Community Consultative Committee Guideline for State Significant Projects



3 Members of the committee

3.1 Membership of the committee

The committee will comprise:

1. an independent chairperson
2. up to seven community and stakeholder representatives
3. a council representative from each of the local government areas concerned
4. up to three representatives from the proponent including the person with direct responsibility for environmental management of the project.

The Department will not be a member of any committee but may attend certain committee meetings.

3.2 Independent chairperson

The independent chairperson must be:

- a convener, facilitator, mediator and advisor for the committee
- independent and impartial
- the key contact between the committee and the Department.

The Department will recruit, appoint and review the performance of all independent chairpersons.

The Department has established a pool of suitable independent chairpersons for Community Consultative Committees and will update this pool regularly.

Members of this pool have:

- experience in community relations, facilitation, mediation or public advocacy
- an understanding of the regulatory requirements for State significant projects, and the issues associated with these projects
- a proven track record in convening and managing stakeholder committees with independence.

A list of the members of this pool and a summary of their credentials is published on the Department's website.

The Planning Secretary of the Department (or a nominated representative) will appoint the independent chairperson for individual projects from the pool, after confirming the person has no conflicts of interest.

Proponents must pay the chairperson's standard fees, as well as the fees of any note-taker the chairperson may use to take the minutes of any meeting.

The independent chairperson must oversee the preparation and publication of the minutes of committee meetings, and report annually to the Department on the operation of the committee.

A copy of the committee's annual report will be published on the Department's website.

The Department may review the performance of the independent chairperson at any time.

If the proponent or more than half the community representatives have concerns about the conduct or performance of the independent chairperson (e.g. there is an ongoing perception of bias, inappropriate control,

Proponent | Community Consultative Committee Guideline for State Significant Projects

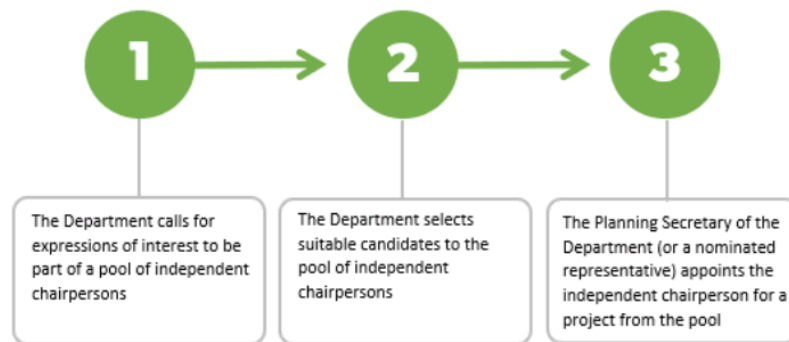


refusal to share information or to adhere to the wishes of the committee), they may refer the matter to the Department. The Department will examine the concerns and determine what, if any, action should be taken.

If the Planning Secretary of the Department (or a nominated representative) decides to replace the independent chairperson or the independent chairperson resigns from the committee, the Planning Secretary of the Department (or a nominated representative) will appoint a new chairperson from the pool.

This appointment will be made within two weeks of the Planning Secretary's decision or the Department being notified of the resignation.

3.3 Selection process for the independent chairperson



3.4 Community representatives

Community representatives will be selected from the local community or stakeholder groups.

Employees or contractors of the proponent are not eligible to be appointed as community representatives.

Local community representatives must:

- be current residents or landowners within the affected local government area/s
- demonstrate involvement in local community groups and/or activities
- have knowledge and awareness of the project and related issues of concern to the local community
- be able to represent and communicate the interests of the affected local community
- be willing to adhere to the committee's code of conduct.

Representatives of stakeholder groups must:

- be a member of a stakeholder group with an interest in the project, including an industry, community, environmental or Aboriginal group
- have knowledge and awareness of the project and related issues of concern
- be able to represent and communicate the interests of the group or community
- be willing to adhere to the committee's code of conduct.

Proponent | Community Consultative Committee Guideline for State Significant Projects



3.5 Appointing community representatives

The independent chairperson is to oversee the selection process for the community representatives of the Community Consultative Committee.

After consulting with the independent chairperson, the proponent is to seek expressions of interest for the committee by placing at least two advertisements in local or regional media publications (i.e. newspapers) (refer to the Toolkit of Resources) and advertising through one or more of the following avenues:

- local businesses
- community or sporting centres
- local council websites.

The advertising period must give community members sufficient time to apply and should be no less than 28 days.

Applications can be emailed or mailed directly to the independent chairperson.

Within two weeks of the end of the advertising period, the independent chairperson must:

- review the applications against the relevant selection criteria
- send a copy of all the applications to the Department
- make a recommendation to the Department on who should be appointed to the committee, including any alternate representatives for local community members, and provide reasons why they should be appointed.

Within two weeks of receiving these recommendations, the Planning Secretary of the Department (or a nominated representative) will appoint the community representatives to the committee and any alternate representatives, and formally notify the successful and unsuccessful applicants, the independent chairperson and the proponent of the decision.

The Department may review the performance of community representatives at any time.

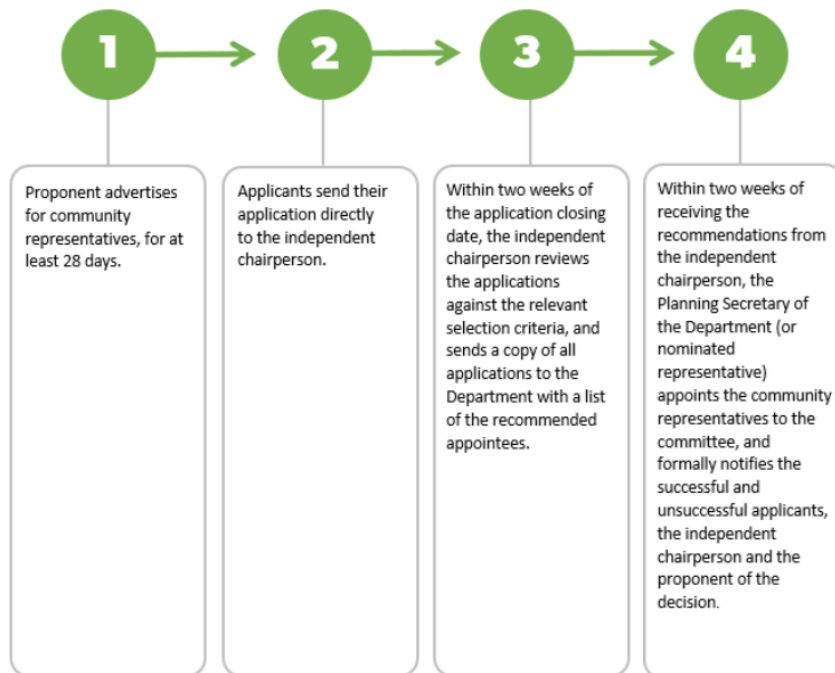
If the independent chairperson has concerns about the conduct of a member of the committee, they may refer the matter to the Department. The Department will examine these concerns and determine what, if any, action should be taken.

If the Department decides to replace a community representative on the committee or a community representative resigns from the committee, the Planning Secretary of the Department (or a nominated representative) will appoint a new representative to the committee in consultation with the independent chairperson.

This appointment will be made within two weeks if a suitable replacement is available or following the standard selection process.



3.6 Selection process for community representatives



3.7 Proponent and council representatives

The proponent and local council will appoint their representatives directly to the committee.

3.8 Alternate representatives

If the independent chairperson is unable to attend a committee meeting, the Department will appoint another person from the pool to chair the meeting.

If a representative from a stakeholder group, local council, or the proponent is unable to attend a meeting they must notify the independent chairperson as soon as possible and nominate an alternative representative from their organisation or group to attend the meeting.

If a local community representative is unable to attend a meeting they must notify the independent chairperson as soon as possible so the chairperson can select an alternate representative to attend the meeting.

The use of alternate representatives should be kept to a minimum.

The independent chairperson may request the replacement of any member who fails to attend three consecutive committee meetings.

4 Committee meetings

4.1 Frequency, timing and location of meetings

The committee should determine the frequency of committee meetings, after considering factors such as the:

- size and complexity of the project
- stage of the project
- level of public interest
- sensitivity of the site and surrounds.

In some cases, however, the Department will determine the frequency of the meetings in consultation with the independent chairperson.

The frequency of meetings may vary over time as a project moves through different stages. For instance, a committee may meet at least four times a year during construction, but only once or twice a year during operations.

If there are important and urgent matters requiring consideration, any member of the committee may ask the independent chairperson to convene an extraordinary meeting of the committee.

The independent chairperson must decide whether the extraordinary meeting is warranted, or whether the matters can be addressed in other ways.

Members should be given at least four weeks notice before a regular committee meeting, and two weeks notice before an extraordinary meeting.

The proponent must provide suitable facilities for committee meetings, and the meetings should be held at a time and place generally convenient to all committee members.



Proponent | Community Consultative Committee Guideline for State Significant Projects

In areas with a high concentration of State significant projects, consideration should be given to holding joint Community Consultative Committee meetings from time to time.

These meetings should focus on matters that are of common interest to these committees, such as the cumulative impacts of the projects.

4.2 Meeting proceedings

Committees should follow good meeting practice and adopt standard procedures for their meetings.

The independent chairperson must:

- formulate the agenda for all meetings in consultation with the members of the committee
- convene and run meetings in a fair and independent manner
- facilitate discussion to ensure all members have an opportunity to speak and share their views
- identify any items of a confidential nature and assist committee members to understand how this information may, or may not, be used
- support constructive dialogue
- resolve disagreements or differences of opinion in a fair, transparent and supportive manner.

Any member may propose a matter for inclusion on the agenda, either before or during a meeting, providing the matter is within the purpose of the committee. This may include inviting a technical expert to present to the committee.

The independent chairperson must ensure that issues raised by community representatives on behalf of the community are properly considered.

If agenda items are supported by detailed reports, then these reports must be distributed to members at least one week before the meeting.

Late items may be deferred to a following meeting.

The committee may decide to undertake regular site visits of the project in conjunction with its meetings, or at other convenient times.

Committee meeting agenda items would normally be expected to include:

1. Apologies.
2. Declaration of pecuniary or other interests.
3. Business arising from previous minutes - response to issues raised or provision of additional information requested.
4. Correspondence.
5. Proponent reports and overview of activities, including:
 - progress of the project
 - issues arising from site visits
 - monitoring and environmental performance

Proponent | Community Consultative Committee Guideline for State Significant Projects



- community complaints and response to these complaints
 - information provided to the community and any feedback.
6. Other agenda items.
 7. General business.
 8. Next meeting.

4.3 Minutes of meetings

The independent chairperson must prepare minutes for each committee meeting.

These minutes must:

- provide an accurate summary of the matters that were discussed at the meeting, including any community concerns expressed and inquiries made
- record the dissenting views of members on a matter
- clearly identify the actions to be taken before the next meeting, who is responsible for these actions, and by when.

The independent chairperson may employ a note taker to assist with this task and recover any associated costs from the proponent.

Within one week of a meeting, the independent chairperson must distribute the draft minutes to all committee members.

Committee members have one week to provide their feedback to the independent chairperson.

Within two weeks of receiving this feedback, the independent chairperson must finalise the minutes in consultation with the members, and ensure the proponent publishes them on its website (in a web accessible format).

If there are any disagreements between members on the minutes, the independent chairperson will have the final say on the matter.

Recording of meetings - by recording device, telephone or any other electronic device is not permitted without the prior agreement of the independent chairperson and the committee.

4.4 Conduct of committee members

All members, including the independent chairperson and alternative representatives, must sign a code of conduct agreement before they join a Community Consultative Committee (refer to the Toolkit of Resources), and comply with this code while they are members of the committee.

The independent chairperson must bring any breach of the code to the attention of the persons concerned.

This may take the form of a verbal warning during a meeting, which is formally recorded in the meeting's minutes, or a written warning following the meeting.

Following three warnings, the independent chairperson may ask the Department to replace the member if it is a community representative, or the proponent or local council to replace their member.



Similarly, the independent chairperson may request the replacement of any member who fails to attend three consecutive committee meetings.

4.5 Attendance by non-committee members

Members may ask the independent chairperson to invite non-committee members to attend meetings, either as observers or to provide advice to the committee.

This may include:

- representatives of the Department or other State government agencies
- technical experts or consultants
- members of the general public.

The independent chairperson is to consult with the other members of the committee before issuing the invitation. If there is any disagreement between the members about the invitation, the independent chairperson will have the final say on the matter.

Non-committee members cannot participate in the business of a meeting unless they are invited to do so by the independent chairperson.

4.6 Pecuniary and other interests

All members must sign a declaration of pecuniary and non-pecuniary interest before they join the Community Consultative Committee (refer to the Toolkit of Resources) and keep this declaration up to date while they are members of the committee.

These declarations should include any pecuniary or other interest (including any payment, gift or benefit) intended or likely to influence - or that could be reasonably perceived by an impartial observer as intended or likely to influence - the member to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- otherwise deviate from the proper exercise of their duty as a member.

Examples of pecuniary or other interests include holding shares in an entity carrying out the project, holding a private contract with the proponent, holding voluntary acquisition or mitigation rights under the proponent's consent, or receiving sitting fees or payments of personal expenses from the proponent; and if the member represents a stakeholder group, if the stakeholder group has received funding or a grant from the proponent.

This guideline establishes no requirement in respect of personal interests other than declaration. However, the committee may determine that a personal interest is sufficient that a member should withdraw from discussion on a particular issue.

4.7 Committee training

The independent chairperson should ensure new members are given suitable induction training to equip them for their role on the committee.

The committee may seek funding or other assistance from the proponent for training members or developing the skills of the committee.

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This may include training in:

- communications and conflict resolution
- best practice environmental management and community relations.

The proponent should support any reasonable requests from the committee for such training.

4.8 Committee funding and remuneration

The committee may seek annual or one-off funding from the proponent to help it perform its functions effectively. It is up to the proponent whether or not it agrees to such requests.

Community representatives are not eligible to receive sitting fees from the proponent, but may seek reimbursement of personal out of pocket expenses associated with attending meetings. It is up to the proponent whether or not it agrees to these expenses being paid.

If fees or expenses are paid to members for meetings, then the fact that a payment is being made (and not the actual amount) should be declared as a pecuniary interest and recorded in the minutes of the meeting.

4.9 Review of a committee's effectiveness

If the independent chairperson has concerns about the effectiveness of the committee they may refer the matter to the Department.

The Department will examine these concerns and determine what, if any, action should be taken.

If the committee is found to be ineffective, the Department may decide to dissolve or reconstitute the committee.

4.10 Dispute resolution

Although the committee is not a decision-making or regulatory body, and consensus is not required on all matters, it should discuss and try to resolve any disagreements between members.

The independent chairperson is responsible for trying to resolve any disputes that arise, either between members of the committee or between the members of the committee and the proponent.

If the independent chairperson is unable to resolve the dispute, then they may refer the matter the Department for resolution or advice.

The Department's decision on the matter will be final.

5 Responsibilities of the proponent

The proponent must provide the committee with timely, accurate and comprehensive reports on the project, including the status of the project, existing operations, environmental performance and community relations. This does not include matters of a financial or commercial nature.

The proponent must also provide the committee with copies of:

- the project's consent and other relevant documents, including management plans
- results of environmental monitoring

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- annual review or compliance reports
- audit reports
- reports on community concerns or complaints and the proponent's response to these matters
- any other information specified by the Department.

These documents may be provided electronically, but hard copies of the documents should be provided to individual committee members upon request.

The proponent should consult with the committee before it lodges any applications with the Department and notify committee members when these applications are lodged.

The proponent must respond to any questions asked or advice given by the committee about the proponent's environmental performance or community relations. These responses must be given to members within 28 days of a committee meeting, unless the meeting's minutes specify otherwise.

Finally, the proponent must organise site visits for the committee if requested by the independent chairperson.

6 Communication with the broader community

Committee members are encouraged to discuss concerns and disseminate information about the project with the wider community, including stakeholder groups.

Where appropriate, the independent chairperson may also give briefings to stakeholder groups. In these cases, the independent chairperson must report back to the committee on the outcomes of these briefings.

With the agreement of the whole committee, the committee may agree to release statements or other information to the media or to adopt other approaches to public dissemination of information. However, only the independent chairperson may speak publicly on behalf of the committee.

Individual committee members may make comments to the media or in public forums on behalf of themselves or their stakeholder groups, but not on behalf of the committee.

There is a presumption that documents and other information provided to the committee can generally be made available to the community.

However, committee members may ask for certain information (e.g. a declaration of interest, site visit photos, or information which the proponent considers to be commercial-in-confidence) to be kept confidential by the committee.

If there is any disagreement between members of the committee on whether such information should be kept confidential, the independent chairperson will have the final say on the matter.

If the committee or independent chairperson decides that a matter discussed at a meeting is to be kept confidential, members must respect this confidentiality and refrain from discussing the matter with other parties outside the meeting.

The name, credentials and (if the member agrees) contact details of all members of the Community Consultative Committee must be published in a prominent position on the proponent's website.

Requests from the public for items to be included on the committee's agenda may be directed to individual members or the independent chairperson.

Proponent | Community Consultative Committee Guideline for State Significant Projects



Glossary of Terms

Community – A group of people living in a specific geographical area or with mutual interests that could be affected by a State significant project

Environment – includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

Proponent – The person or entity seeking approval for a State significant project, or acting on an approval for a State significant project

Stakeholder group – a group or organisation — including an industry, community, environmental or Aboriginal group — that represents several people with an interest in a State significant project

State significant project – a project that is defined as State significant development or State significant infrastructure under the Environmental Planning & Assessment Act 1979





Toolkit of Resources for Community Consultative Committees

Sample Advertisement for Community Members

Proponents must advertise for the community representatives of Community Consultative Committees. This advertising should be placed in local or regional media publications, on websites, and at local councils, businesses, or prominent community or sporting centres. Members of the local community or stakeholder groups with a particular interest in the project should also be notified.

Community members should be given at least 28 days to apply. All applications must be sent to the independent chairperson of the committee.

The independent chairperson is to review the applications against the relevant selection criteria (see page 5 of the guideline) and recommend the community representatives for the committee to the Department. The Planning Secretary of the Department (or nominated representative) will consider the recommendation and appoint the community representatives to the committee. A sample advertisement for community representatives is provided below.

This advertisement should be tailored to the specific circumstances of the project, and include information on the:

- State significant project
- current stage of the project (approval is being sought or the project is approved, and construction is scheduled to start shortly).

It should also clearly identify the selection criteria for local community representatives and representatives of stakeholder groups.

NOMINATIONS ARE OPEN FOR APPOINTMENT OF COMMUNITY MEMBERS TO THE [INSERT DEVELOPMENT NAME] COMMUNITY CONSULTATIVE COMMITTEE

Want to contribute to your community?

Many State significant projects in NSW have Community Consultative Committees.

These committees provide a forum for open dialogue between the proponent and representatives of the local community, stakeholder groups and local councils on issues directly relating to the project.

We are looking for a mix of people who live locally or are members of a stakeholder group (community, environment, Aboriginal or industry) to join our new [INSERT DEVELOPMENT NAME] Community Consultative Committee.

Your role as a committee member is voluntary.

Selection criteria: You will be expected to contribute constructively to committee discussions, attend around (four) meetings a year, and communicate information about [INSERT DEVELOPMENT NAME] between the committee and the broader community.

If you would like to apply, download a copy of the relevant nomination form at [INSERT DPE WEBSITE DETAILS]. Contact [INSERT INDEPENDENT CHAIRPERSON DETAILS] at [INSERT INDEPENDENT CHAIRPERSON CONTACT DETAILS] for more information.

Applications must be lodged by [INSERT DATE] and sent to the independent chairperson of the Community Consultative Committee at [INSERT NAME AND CONTACT DETAILS OF INDEPENDENT CHAIRPERSON]

Proponent | Community Consultative Committee Guideline for State Significant Projects



Nomination Form

Local Community Representatives

January 2019

Nomination details

I hereby nominate to be a local community representative on the [DEVELOPMENT NAME]

..... Community Consultative Committee.

I accept that selection and appointment to the committee will be subject to my:

- being a current resident or landowner in the affected local government area/s
- being able to demonstrate my involvement in local community groups or activities
- having knowledge and awareness of the project and related issues of concern to the local community
- being able to represent and communicate the interests of the affected local community
- being willing to adhere to the committee's code of conduct.

I have attached a supporting letter demonstrating how I meet the above criteria for membership.

Signed declaration

If appointed to the committee, I:

- confirm that I am aware of my responsibilities as a local community representative on the [DEVELOPMENT NAME]
..... Community Consultative Committee;
- accept that the position is voluntary with no entitlement to remuneration
- agree to sign and comply with the committee's code of conduct agreement
- agree to sign a declaration of pecuniary and non-pecuniary interests and keep this declaration up to date.

Name

Phone number



Department of Planning and Environment

Page 1

Nomination Form

Local Community Representatives

January 2019

Address

Stakeholder group (if relevant)

Signature and date

This signed nomination form and supporting letter must be sent directly to the independent chairperson of the Community Consultative Committee and not to the Department of Planning and Environment. The independent chairperson's details can be found on the advertisement calling for nominations.



Department of Planning and Environment

Page 2

Nomination form

Representatives of Stakeholder Groups

January 2019

Nomination details

I hereby nominate to be a community representative on the [DEVELOPMENT NAME]

..... Community Consultative Committee.

I accept that selection and appointment to the committee will be subject to my:

- being a member of a stakeholder group with an interest in the project, including an industry, community, environmental or Aboriginal group
- having knowledge and awareness of the project and related issues of concern
- being able to represent and communicate the interests of the group or community
- being willing to adhere to the committee's code of conduct.

I have attached a supporting letter demonstrating how I meet the above criteria for membership.

Signed declaration

If appointed to the Committee, I:

- confirm that I am aware of my responsibilities as a community representative on the [DEVELOPMENT NAME]
..... Community Consultative Committee;
- accept that the position is voluntary with no entitlement to remuneration;
- agree to sign and comply with the committee's code of conduct agreement; and
- agree to sign a declaration of pecuniary and non-pecuniary interests and keep this declaration up to date.

Name

Phone number



Department of Planning and Environment

Page 1

Nomination form

Representatives of Stakeholder Groups

January 2019

Address

Stakeholder group

Signature and date

This signed nomination form and supporting letter must be sent directly to the Community Consultative Committee Independent Chairperson and not to the Department of Planning and Environment. The Independent Chairperson's details can be found on the advertisement calling for nominations.



Department of Planning and Environment

Page 2

Code of Conduct Agreement – Independent Chairperson

As a condition of engagement, the independent chairperson of a Community Consultative Committee must agree to adhere to the following code of conduct.

Accepted behaviour

As the independent chairperson of the [INSERT DEVELOPMENT NAME] Community Consultative Committee, I understand I am expected to:

- personally chair all committee meetings, or if I can't be present get the Planning Secretary of the Department to appoint an alternate chairperson for the meeting from its pool of independent chairpersons
- oversee the appointment of community representatives to the committee
- ensure that all matters dealt with by the committee fit within the purpose of the committee
- act as a convener, facilitator, mediator and advisor for the committee to ensure that members can put forward views and that they are not interrupted
- be independent and impartial with respect to all members of the committee
- create an atmosphere of open and constructive participation by the members of the committee where they can communicate relevant concerns, interests and ideas and express their reasons for any disagreement
- actively work with the members of the committee to try and resolve any disputes that may arise during the committee's activities
- ensure confidential matters handled by the committee are kept confidential
- be the key contact between the committee and the Department and other external parties
- advise the Department as soon as possible of any potential or actual conflict of interest that may affect my ability to fulfil my role on the committee
- ensure members of the committee comply with the code of conduct, and issue warnings to members who do not comply with this code
- review the performance of the committee from time to time and refer any matters of concern to the Department.

Signed declaration

As the independent chairperson of the committee, I agree to abide by this code of conduct.

I further declare that I have no conflicts of interest in relation to appointment to this committee.

Name

Contact details

Address

Signature and date

Proponent | Community Consultative Committee Guideline for State Significant Projects



Code of Conduct Agreement – Members

As a condition of engagement, all members of the Community Consultative Committee must agree to adhere to the following code of conduct.

Accepted behaviour

As a member of the [INSERT DEVELOPMENT NAME] Community Consultative Committee, I understand I am expected to:

- attend committee meetings, at dates and times set by the committee's independent chairperson
- advise the independent chairperson in advance if I am unable to attend meetings
- respectfully engage with other members of the Committee
- contribute to an atmosphere of open and constructive participation
- openly communicate relevant concerns, interests and ideas and make reasons for any disagreement clear in a constructive and thoughtful manner
- put forward views but also remain committed to open and shared dialogue
- actively work with the members of the committee to try and resolve any disputes that may arise during the committee's activities
- ensure confidential matters handled by the committee are kept confidential, and refrain from discussing these matters with other parties outside meetings
- not interrupt when another member is speaking
- not speak publicly on behalf of the committee
- not misrepresent the views of other members of the committee outside meetings
- immediately advise the independent chairperson during meetings of any potential or actual conflict of interest relating to matters under discussion
- abide by the directions of the independent chairperson.

I understand that if I miss three consecutive meetings I may be replaced on the Committee.

Signed declaration

As a member of the committee, I agree to abide by this code of conduct.

Name

Contact details

Address

Stakeholder group (if you relevant)

Signature and date

Proponent | Community Consultative Committee Guideline for State Significant Projects



Declaration of Pecuniary and Non-Pecuniary Interests

All members of Community Consultative Committees must sign a declaration of pecuniary and non-pecuniary interests before they join the committee and keep this declaration up to date while they are members on the committee.

This declaration is designed to protect the integrity of the committee and the reputation of its members.

Examples of pecuniary interest may include but are not limited to:

- holding shares in an entity proposing or carrying out all or part of a State significant project
- holding a private contract with the proponent
- holding voluntary acquisition or mitigation rights under the proponent's consent
- receiving sitting fees or payments of personal expenses from the proponent
- a member representing a stakeholder group and the stakeholder group has received funding or grants from the proponent.

A **pecuniary interest** is an interest a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. Money does not have to change hands for there to be a pecuniary interest.

A **non-pecuniary interest** is a private or personal interest a person has that does not amount to a pecuniary interest but that may arise from family or personal relationships, involvement in community, social or other cultural groups that may include an interest of a financial nature.

A No pecuniary or non-pecuniary interest to declare

As a member of the [INSERT DEVELOPMENT NAME] Community Consultative Committee I declare that I have no pecuniary or non-pecuniary interest to prevent me from carrying out my role on the [INSERT DEVELOPMENT NAME] Community Consultative Committee impartially and in the best interests of the local and broader community.

Should this change, I agree to update this declaration and advise the committee accordingly.

Name

Signature

Date

B Pecuniary or non-pecuniary interest to declare

As a member of the [INSERT DEVELOPMENT NAME] Community Consultative Committee, I declare that I have the following interests (tick as appropriate) that are relevant to the operation of the committee:

☐ Pecuniary interest. Please provide details:

.....

Proponent | Community Consultative Committee Guideline for State Significant Projects



.....
.....
☐ Non-pecuniary interest. Please provide details:

.....
.....
.....
Should this change, I agree to update this declaration and advise the committee accordingly.

I understand this declaration, and any subsequent actions that flow from this declaration, will be noted the committee's meeting notes, and that the independent chairperson of the committee may ask me to withdraw from discussion on particular issues.

Name

Signature

Date

Proponent | Community Consultative Committee Guideline for State Significant Projects





REPORT: Post Exhibition - Planning Proposal 2R Gilgandra Road and 63 Fitzroy Street, Dubbo

AUTHOR: Growth Planning Projects Leader -
Digital Futures
REPORT DATE: 3 March 2021
TRIM REFERENCE: ID21/232

EXECUTIVE SUMMARY

On 26 October 2020, regarding the Planning Proposal pertaining to 2R Gilgandra Road and 63 Fitzroy Street, Council resolved, in part:

- "1. That a Planning Proposal be prepared and submitted to the NSW Department of Planning Industry and Environment for a Gateway Determination to:*
- (a) Rezone part of Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial;*
 - (b) Rezone part of Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial; and*
 - (c) Add "Light Industry (Movable Building Manufacturing)" as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 under Schedule 1 of the Dubbo LEP 2011."*

A conditional Gateway Determination was issued in December 2020. A copy of the Gateway Determination is provided as **Appendix 1**.

The Planning Proposal was amended to reflect the subject land sizes (**Appendix 2**) in accordance with the Gateway Determination and was exhibited from Wednesday, 27 January 2021 to Friday, 26 February 2021. Land owners in the site's immediate vicinity and the Biodiversity Conservation Division were also invited to make a submission. No submissions were received.

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

FINANCIAL IMPLICATIONS

This matter has no financial implications for Council. The requirement for local infrastructure upgrades would be borne by the developer as part of any development approval.

POLICY IMPLICATIONS

The Planning Proposal, if gazetted will amend the land use zoning map and Schedule 1 of the Dubbo LEP 2011.

The draft Planning Proposal is a draft environmental planning instrument in accordance with the NSW *Environmental Planning and Assessment Act 1979* and must be considered in the assessment and determination of a development application on the subject site.

RECOMMENDATION

- 1. That the Report of the Growth Planning Projects Leader – Digital Futures, dated 3 March 2021, be noted.**
- 2. That Council approve the Planning Proposal for 63 Fitzroy Street and 2R Gilgandra Road, Dubbo, as shown at Appendix 2, to be made as an amendment to Dubbo Local Environmental Plan 2011 under Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 3. That Council delegates authority to the CEO to make minor amendments to the draft Planning Proposal to correct any minor errors or omissions prior to finalisation.**

Carmel O'Connor

Growth Planning Projects Leader - Digital Futures

BACKGROUND

1. Council Meeting

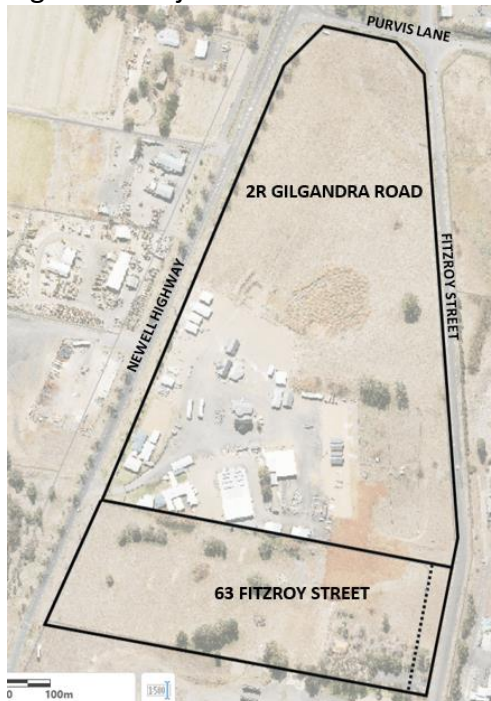
On 26 October 2020, Council considered a report regarding the preparation of a Planning Proposal pertaining to 2R Gilgandra Road and 63 Fitzroy Street, Dubbo (Figures 1 and 2).

In consideration of the report, Council resolved as follows:

- "1. That a Planning Proposal be prepared and submitted to the NSW Department of Planning Industry and Environment for a Gateway Determination to:
(a) Rezone part of Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial;
(b) Rezone part of Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial; and
(c) Add "Light Industry (Moveable Building Manufacturing)" as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 under Schedule 1 of the Dubbo LEP 2011.*
- 2. That Council seek authority from the NSW Department of Planning Industry and Environment to exercise the delegation in relation to the plan making functions under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- 3. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal."*

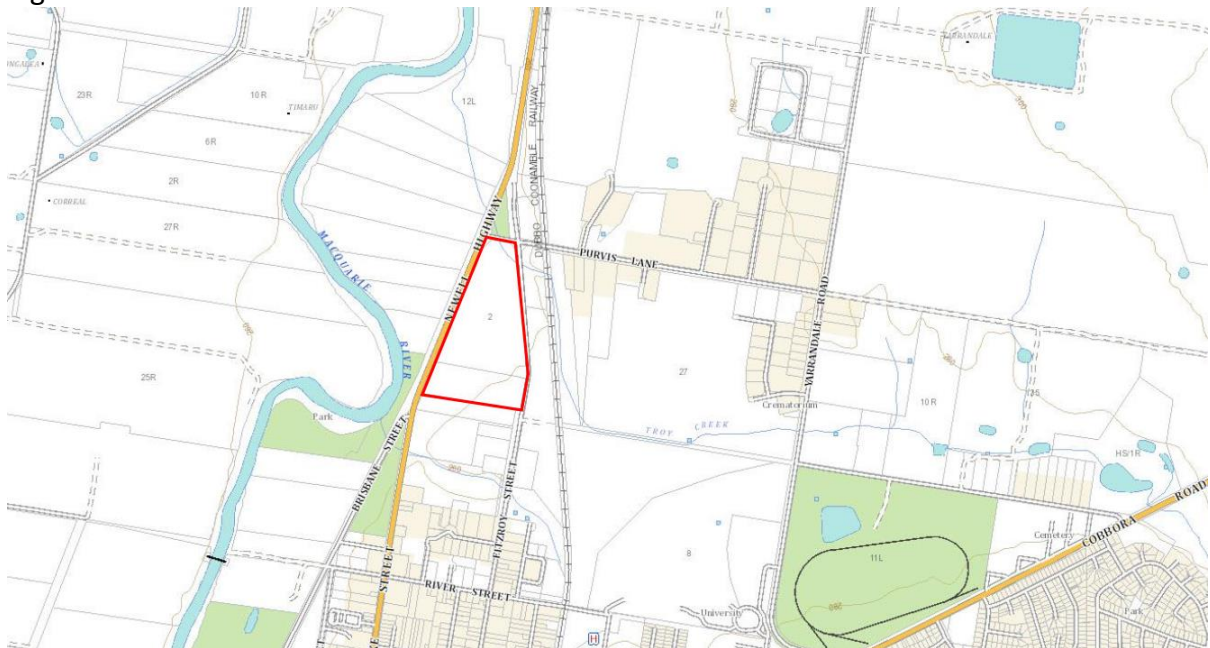
The Planning Proposal was prepared in accordance with the Council resolution. The Planning Proposal seeks to rezone approximately 0.67 Ha of 63 Fitzroy Street, Dubbo from E3 Environmental Management to IN2 Light Industrial (Figure 3) in accordance with the Dubbo LEP 2011 and to identify 'Light Industrial – Manufacture Movable Buildings' as an additional permitted use under the provisions of Schedule One of the Dubbo LEP 2011 (Figure 3).

Figure 1: Subject Site



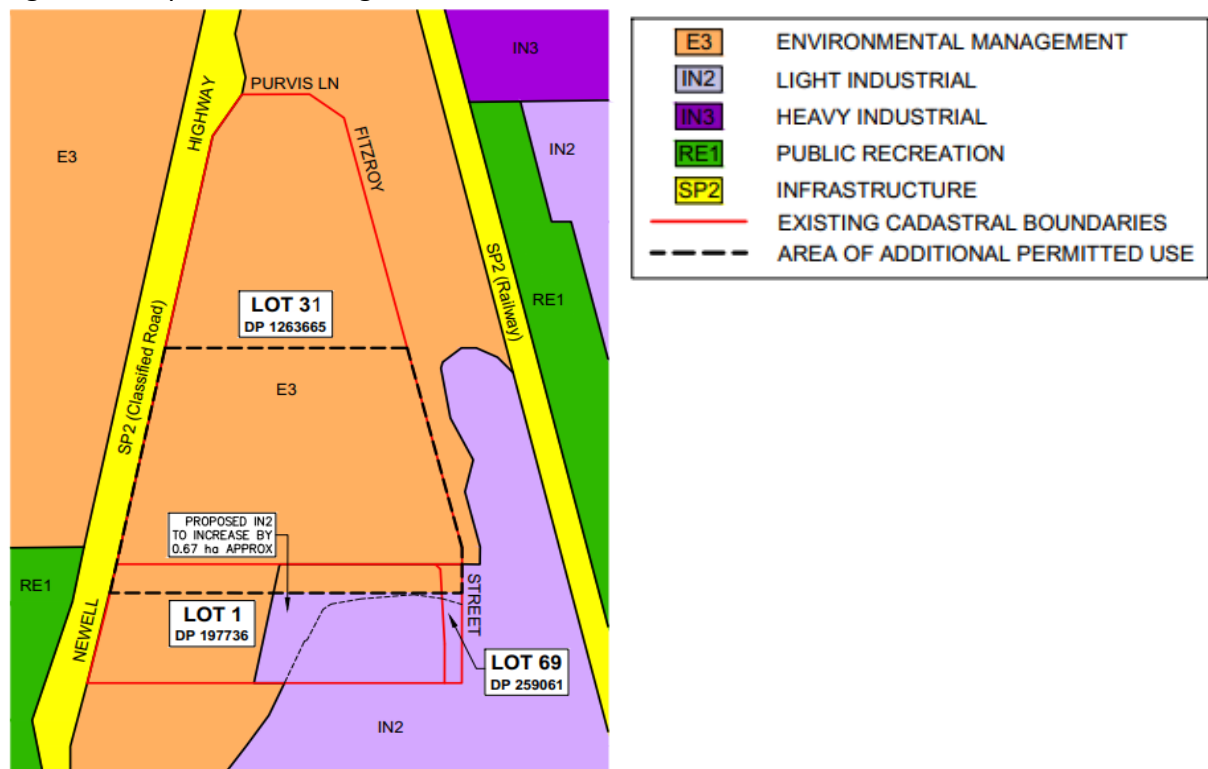
Source: DRC, 2020

Figure 2: Local Context



Source: Barnson, 2020

Figure 3: Proposed Rezoning and Additional Permitted Use



Source: Barnson, 2020

REPORT

1. Planning Proposal

On 16 October 2020, Council considered a report regarding the preparation of a Planning Proposal for 63 Fitzroy Street and 2R Gilgandra Road, Dubbo. Council resolved, in part:

- "1. That a Planning Proposal be prepared and submitted to the NSW Department of Planning Industry and Environment for a Gateway Determination to:
- (a) Rezone part of Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial;
 - (b) Rezone part of Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial; and
 - (c) Add "Light Industry (Moveable Building Manufacturing)" as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 under Schedule 1 of the Dubbo LEP 2011."

2. Gateway Determination

The subject Planning Proposal (**Appendix 2**) was prepared in accordance with the Council resolution and forwarded to the DPIE for Gateway Determination. A conditional Gateway Determination dated 11 December 2020 was issued by DPIE (**Appendix 1**) The Planning Proposal was updated in accordance with Gateway Determination, to reflect the proposed

area of to be zoned IN2 Light Industrial and the land area subject to the proposed additional permitted use.

3. Public Exhibition

The amended Planning Proposal was exhibited from Wednesday, 27 January 2021 to Friday, 26 February 2021. Landowners in the immediate vicinity of the site and the DPIE Biodiversity Conservation Division was also invited to make a submission. No submissions were received and the DPIE Biodiversity Conservation Division advised that it did not have any further comment to make beyond its initial pre-gateway correspondence.

4. LEP Amendment

The Gateway Determination includes Authorisation for Council to Exercise Delegation of the Minister's functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979*. The documentation will be forwarded to the Office of Parliamentary Counsel to draft the amendment to the LEP and seek an Opinion that the plan may be made. A copy of the request will be forwarded to DPIE – Western Region. Following the receipt of the Opinion and lodgement and approval of the amended maps on the Planning Portal, a request that the LEP amendment be notified will be made.

The landowner is still required to lodge a development application with Council to facilitate the development.

SUMMARY

In response to a request from Taylor Made Buildings and subsequent Council resolution, Council has prepared a Planning Proposal regarding 63 Fitzroy Street and 2R Gilgandra Road, Dubbo. The Planning Proposal seeks to amend the Dubbo LEP 2011 to amend the existing IN2 Light Industrial Zone and to permit the manufacture of moveable buildings on the subject sites.

The DPIE has issued a conditional Gateway Determination and the Planning Proposal has been amended accordingly. The Proposal was also publicly exhibited in accordance with Gateway Determination. Neighbours in the immediate vicinity of the subject site and the Biodiversity Conservation Division of DPIE were invited to make a submission. No submissions were received.

The recommendation of staff is to proceed with the finalisation of the Planning Proposal. This will involve drafting LEP provisions and an amendment to the land use zoning and additional permitted uses map.

It is recommended that Council endorse the subject Planning Proposal and seek Parliamentary Counsel's Opinion that the subject LEP Amendment can be made. Following the receipt of the Opinion and lodgement and approval of the amended map on the Planning Portal, a request that the LEP Amendment be notified will be made.

Appendices:

- 1 [!\[\]\(6ececfccbc90e4119e1444b92ad2c14a_img.jpg\)](#) Gateway Determination
- 2 [!\[\]\(24017e0d92432eb733456f07a25060b2_img.jpg\)](#) Council Planning Proposal - 63 Fitzroy Street Dubbo



Gateway Determination

Planning proposal (Department Ref: PP_2020_DREGI_003_00): To rezone part of Lot 69 DP 259061 and part of Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial. Add "Light Industry (Movable Building Manufacturing)" as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 under Schedule 1 of the Dubbo LEP 2011.

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, I have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Dubbo Local Environmental Plan (LEP) 2011 to rezone part Lot 69 DP 259061 and part Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial and permit Light Industry (Moveable Building Manufacturing) with development consent, as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 63 Fitzroy Street and 2R Gilgandra Road, Dubbo should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal should be updated to clearly state the land area of the sites that are proposed for rezoning and the additional permitted use.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with DPIE-Biodiversity and Conservation Division (BCD) under section 3.34(2)(d) of the Act. This agency consultation can be undertaken concurrently with the community consultation.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Given the nature of the planning proposal, Council is authorised as the local planning-making authority under section 3.36(2) of the Act.
6. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.

Dated 11th day of December 2020.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2020_DREGI_003_00 / IRF20/5221



Dubbo Regional Council

Planning Proposal R18-4

Lot 69 DP 259061

Lot 1 DP 197736

Lot 31 DP 1263665

63 Fitzroy Street & 2R Gilgandra Road, Dubbo

January 2021

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Background

Dubbo Local Environmental Plan (LEP) 2011 is the statutory planning framework that establishes land use zones and land use permissibility accordingly in the former Dubbo Local Government Area.

Council is in receipt of a proposal to amend Dubbo LEP 2011 in relation to Lot 69 DP 259061 and Lot 1 DP 197736 (63 Fitzroy Street, Dubbo) and Lot 31 DP 1263665 (2R Gilgandra Road, Dubbo).

The Proposal seeks to extend the existing IN2 Light Industrial Zone on 63 Fitzroy Street by 0.67 ha and to allow the manufacture of moveable buildings as an additional permitted use on part 2R Gilgandra Road and 63 Fitzroy Street Dubbo. The total area of the proposed additional permitted use is 10.5 ha.

Council undertook pre-gateway consultation with the NSW Biodiversity Conservation Division (BCD) regarding potential flooding impacts of the proposal. The BCD advised that the proposal is consistent with the *NSW Floodplain Development Manual 2005* as well as the *Guideline on Development Controls on Low Flood Risk Areas*.

Council considered the proposal at the Council meeting of 26 October 2020 and decided to proceed to the next stage, which is to prepare and submit a planning proposal to the NSW Department of Planning, Industry & Environment to seek a Gateway Determination.

The Gateway Determination issued by the Department of Planning Industry and Environment dated 11 December enables Council to exhibit the planning proposal. According to the Department's publication 'A guide to preparing planning proposals', a planning proposal is a document that sets out the justification for making changes to Dubbo LEP 2011. A planning proposal is comprised of the following components:

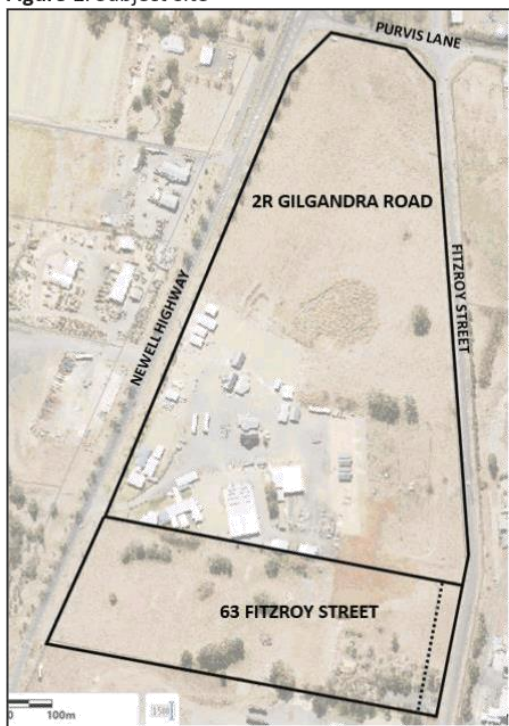
Part	Content
Part 1	A statement of the intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved.
Part 2	An explanation of the proposed changes to Dubbo LEP 2011 to achieve the intended outcomes.
Part 3	The justification for making the proposed changes to Dubbo LEP 2011.
Part 4	Maps to identify the intended outcomes of the planning proposal.
Part 5	Details of the community consultation that is to be undertaken on the planning proposal.

Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to the planning proposal.

Part 1 Objectives or Intended Outcomes

This Planning Proposal applies to 2R Gilgandra Road, Dubbo and 63 Fitzroy Street, Dubbo (Figure 1) as described in Table 1.

Figure 1: Subject Site



Source: Geocortex, 2020

Table 1. Property Table

Address	Lot	DP	Area Ha
2R Gilgandra Road, Dubbo	31	1263665	15.37
63 Fitzroy Street	69	259061	0.32
63 Fitzroy Street	1	197736	6.07
Total			21.76

The intended outcomes of this Planning Proposal are:

- To provide a site-specific framework that enables the expansion of the existing moveable building manufacturing business in its current location at 2R Gilgandra Road

and extended into 63 Fitzroy Street, Dubbo. The total area of the proposed additional permitted use is 10.5 ha.

- To allow for a 0.67 ha expansion of the land to be used for light industrial activity on 63 Fitzroy Street; and
- To limit future development potential on the land subject to the proposed additional permitted use.

Part 2 Explanation of Provisions

To achieve the intended outcomes, the proposed amendments to Dubbo LEP 2011 are:

Rezoning

- Rezone 0.67 ha of Lot 1 DP 197736 and Lot 69 DP 259061 (63 Fitzroy Street) from E3 Environmental Management to IN2 Light Industrial in the Dubbo LEP 2011.

Additional Permitted Use

- Add Light Industry (moveable building manufacturing) as an additional permitted use on part Lot 31 DP 1263665 (2R Gilgandra Road) and part Lot 1 DP 197736 and part Lot 69 DP 259061 (63 Fitzroy Street) under Schedule One of the Dubbo LEP 2011. The total size of the proposed additional permitted use is 10.5 ha.

Part 3 Justification

Section A - Need for the Planning Proposal

Section 3 assesses the proposal based on the justification matters outlined in the Department of Planning and Environment's publication 'a Guide to Preparing Planning Proposals'. The intended outcome is to demonstrate where there is justification to proceed to Gateway.

1. Is the Planning Proposal the result of an endorsed local strategic planning statement, strategic study or report?

This planning proposal is not the result of any strategic study or report. This planning proposal is in response to a proposal requesting to amend Dubbo LEP 2011 as follows:

63 Fitzroy Street

- Extend the existing IN2 Light Industrial Zone by a total of 0.67 ha on part Lot 1 DP 197736 and part Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial.

2R Gilgandra Road and 63 Fitzroy Street

- Add Light Industry (moveable building manufacturing) as an additional permitted use of 10.5 ha in Schedule One of Dubbo LEP 2011.

Council's assessment considered the following technical studies submitted with the proposal:

- Planning Proposal Report (prepared by Barnson dated 1 April 2020).
- Flooding Assessment (prepared by Cardo dated 30 March 2020).
- AHIMS Search (undertaken by Barnson, dated 14 June 2018).
- Letter explaining intended future development (provided by Taylor Made Homes, undated).
- Pre-gateway correspondence from the Biodiversity Conservation Division regarding flooding impacts of the proposal.

Council's assessment indicates that the proposal has sufficient strategic merit to proceed to Gateway.

Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to this planning proposal.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The Planning Proposal is the best means of achieving the intended outcomes which are to extend the existing IN2 Light Industry zone on 63 Fitzroy Street, Dubbo and to facilitate the permissibility of the existing manufacture of moveable building business on the site.

A rezoning of 2R Gilgandra Road would not be appropriate as it would permit a broad range of incompatible uses on the subject site.

Section B Relationship to Strategic Planning Framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

I. Central West and Orana Regional Plan

The proposal will assist in achieving the directions and actions of the Plan as described below:

Direction 10. Promote business and industrial activities in employment lands

The proposal will encourage the expansion of industrial activities on the existing IN2 zoned land by facilitating the long expansion of an existing light industrial moveable building manufacturing business.

Action 10.1. Encourage the sustainable development of Industrial and Employment land to maximise infrastructure to connect to the existing freight network.

The proposal will encourage the expansion of an existing light industrial moveable building manufacturing business, adjacent to existing IN2 Light Industrial Zoned Land on a major freight network.

Action 12.4. Amend planning controls to deliver greater certainty of use.

The proposal will amend Dubbo LEP 2011 to provide greater certainty to the existing business regarding permissibility of future expansion.

Will the Planning Proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The proposal was initially assessed against the Dubbo Industrial Areas Development Strategy in place at the time of lodgement and was considered consistent with this Strategy.

Subsequently the Dubbo Employment Lands Strategy was adopted by Council and endorsed by the then Department of Planning and Environment in 2019. Council maintains that the proposal remains consistent with the Dubbo Employment Lands Strategy as described below:

II. Dubbo Employment Lands Strategy

The subject site is located in the North Dubbo Industrial Precinct. The Planning Principals for the precinct are:

- *Maintain Dubbo as the major employment and service centre of the Orana region;*
- *Ensure an adequate supply of appropriately located and serviced employment lands are maintained to facilitate short-term, medium-term and long-term growth; and*
- *Facilitate revitalisation of existing employment land precincts to meet the changing needs of industry.*

A relevant opportunity for the area is to *"Regulate development within the flood plain to be sympathetic to the environmental constraints"*.

The proposal will support existing employment land to be utilised to meet the long term needs of the existing business and contribute to local employment opportunities. The proposal has been designed to be sympathetic to the Macquarie River floodplain.

III. Dubbo Regional Local Strategic Planning Statement

The Dubbo Regional Local Strategic Planning Statement (LSPS) was adopted by Council on June 22, 2020. The subject Planning Proposal will give effect to the overall guiding vision of the LSPS including taking advantage of opportunities to grow and protecting the environment.

It is considered that the Proposal through facilitating the expansion of an existing business, will give effect to *Planning Priority 8 – Ensure Supply of Employment Generating Land and Action 8.1 Implementing and progress the recommendation as contained within the Employment Lands Strategy, 2019.*

IV. Dubbo Region Community Strategic Plan

The Community Strategic Plan is a long term plan produced by Council that aims to guide and influence the actions and initiatives of the Dubbo Regional Council, state government and the community to 2040.

The Plan sets out five visions to reflect the priorities of the local community. The proposal is consistent with and will give effect to the stated economy and liveability visions as summarised below:

Economy Vision

Strategy	Assessment
3.2.1 Employment opportunities for all sectors of the community that support economic growth.	The existing moveable building manufacturing business employs 34 staff and 15 contractors. Securing the proposed additional permitted use and extension of the IN2 zone will provide security for the future of the business and will facilitate future expansion.
3.5.1 Opportunities for long term growth and investment across sectors and industry is leveraged.	The existing business currently employs 34 staff and 15 contractors. The proposal will contribute to the local term economic growth of the LGA through securing the permissibility of the existing business and facilitating its potential expansion.
3.5.6 Investment in the Local Government Area as a driver of growth in the region is a key priority for government, industry and the local community.	The proposal will facilitate investment in the LGA through securing the permissibility of the existing use and expanding the existing IN2 Zone.
3.7.3 Planning controls ensure adequate suitable land is available for new development opportunities.	The proposal will contribute to the supply of suitable land for expansion of the exiting moveable building manufacturing business.

Liveability Vision

Strategy	Assessment
5.10.1 Landuse management improves and sustains the built and natural environment.	The proposal will facilitate future development on the site that will require the lodgement of a development application with Council and assessment under Councils existing planning provisions.

5.10.3 Urban stormwater discharge from the drainage network into receiving waters is limited.	Future development on the site will require the minimisation of urban stormwater discharge into receiving waters.
5.10.5 Planning instruments include provisions for the protection of sensitive environments.	The proposal will facilitate development of E3 Environmental Management zoned land for an existing use. Future development will be subject to existing LEP provisions regarding the protection of sensitive environments.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies (refer to Attachment A) namely;

Table 1 State Environmental Planning Policies

SEPP	Requirement	Comment
SEPP No 55 – Remediation of Land	Council is required to consider if a rezoning allows a change of use that may increase the risk to health or the environment from contamination, then the planning authority must be satisfied that the land is suitable for the proposed use or can be remediated to make it suitable.	It is considered that the proposed use is suitable for the subject site. The site majority of the site has been used for the manufacture of moveable buildings and or is adjacent an existing IN2 Light Industrial Zone.
SEPP Infrastructure 2007	The SEPP identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development.	The site fronts the Newell Highway, however the Applicant has advised that no new access points from the Newell Highway are proposed. New access would from be from Fitzroy Street.
SEPP Vegetation in non-rural Zones	The SEPP applies to the removal of vegetation in non-rural zones including the IN2 Light Industrial Zone and the E3 Environmental Management Zone.	The proposal does not propose the removal of vegetation.

Is the Planning Proposal consistent with applicable Ministerial Directions (9.1 Directions)?

The Planning Proposal is generally consistent with applicable Ministerial Directions (refer Attachment B) namely;

Table 2. Section 9.1 Directions

Direction	Requirement	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	<p>This Direction applies to the Planning Proposal as the proposal will affect land within an existing and proposed industrial zone.</p> <p>The planning proposal must give effect to the objectives of the direction, retain areas and locations of existing business and industrial zones, not reduce potential floor space area for industrial uses in industrial zones, and ensure that proposed new employment area are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</p>	<p>Consistent</p> <p>The Planning Proposal will facilitate an approximate 2 Ha increase in industrial land by realigning the current zoning boundary.</p> <p>The proposal will assist in achieving the objectives of the direction and is consistent with the endorsed Dubbo Employment Lands Strategy endorsed by the Department in 2019.</p>
1.5 Rural Lands	<p>This Direction applies to the Planning Proposal as it effects land within an existing or proposed rural or environmental protect zone (including E3).</p> <p>The Planning Proposal must be consistent with any applicable strategic plan; Consider the significance of agriculture; Identify and protect environmental values; Consider the natural and physical constraints of the land.</p>	<p>Consistent</p> <p>Agriculture is not currently undertaken on the subject site. The subject planning proposal is consistent with the Dubbo Employment Lands Strategy, endorsed by the Department of Planning in 2019.</p>
1. Environment and Heritage		
2.1 Environment Protection Zones	This Direction requires that a planning proposal include	Consistent

Direction	Requirement	Compliance
	<p>provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</p>	<p>The Planning Proposal will result in a minor reduction to the E3 Environmental Management Zone and will facilitate the expansion of the existing activity (manufacture of moveable buildings) on E3 zoned land. However will not alter the environmental protection standards in the LEP.</p>
2.3 Heritage Conservation	<p>This Direction applies to all planning proposals and requires provision to be made that facilitate the conservation of heritage items.</p>	<p>The proposal is consistent with these principles as any future development on the site will be subject to Aboriginal cultural heritage assessment as part of the environmental approval process.</p>
2. Housing Infrastructure and Urban Development		
3.4 Integrating Landuse and Transport	<p>Applies when a planning authority prepares a Planning Proposal that will create, alter or remove a zone, or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to an are consistent with the aims and objectives and principles of :</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p>	<p>Consistent</p> <p>The subject planning proposal will result in an approximate 2 Ha extension to the existing IN2 Light Industrial Zone on 63 Fitzroy Street. This increase is consistent with the aims/objectives/principles of:</p> <p>‘Improving Transport Choice – Guidelines for Planning and Development’ (DUAP 2001) regarding industrial development, whilst ‘The Right Place for Business and Services – Planning Policy’ (DUAP 2001) is not relevant to the subject Planning Proposal.</p>

Direction	Requirement	Compliance
	(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	
6.1 Approval and Referral Requirements	The Direction is applicable when a Planning Proposal is prepared. A Planning Proposal must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority.	Consistent The proposal does not introduce new concurrence, consultation or referral requirements.
6.2 Reserving land for public purpose	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	Consistent The proposal does not impact existing zonings or reservations of land for public purposes.

The Planning Proposal is inconsistent with the following Ministerial Directions (refer Attachment B)

Direction	Requirement	Compliance
4.3 Flood Prone Land	<p>This Direction is applicable when a Planning Proposal is prepared that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not rezone land within the flood</p>	<p>Minor Inconsistency The subject Planning Proposal does not propose any changes to existing flood planning provisions.</p> <p>The Planning Proposal seeks to rezone a small amount of E3 Environmental Management zoned land to IN2 Light Industrial. This land is currently located within the Flood Planning Area in accordance with the Dubbo LEP 2011. However, the flooding information submitted with the Planning Proposal indicates that</p>

Direction	Requirement	Compliance
	<p>planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	<p>development on this part of the site can occur above the 1 % AEP Flood Level.</p> <p>The Applicant's flooding information advises that whilst there are '<i>local small increases in the 1% AEP flood levels under a Troy Gully flood that these flood levels remain lower than the Macquarie River Flood levels.</i>' As such it is considered that the inconsistency of minor significance.</p> <p>The proposal seeks to facilitate an expansion of an existing use that will be subject to development consent, it does not involve altering existing flood planning provisions of the LEP including reference to the NSW Flood Planning Manual.</p> <p>Council has undertaken pre-gateway consultation with BCD regarding flooding impacts (refer Section C) and will also consult BCD as part of the Gateway process.</p>

Direction	Requirement	Compliance
	For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director General).	
6.3 Site Specific Provisions	<p>A Planning Proposal to allow a particular development to be carried out must either allow the landuse to be carried out in the zone the land is situated on, or rezone the site to an existing zone already applying in the existing environmental planning instrument that allows the land use without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>A Planning Proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>Minor Inconsistency</p> <p>The Planning Proposal allows for an additional permitted use on land within an existing E3 Environmental Management zone. It would not be appropriate to allow the manufacture of moveable buildings on all E3 Zoned land. In addition, it would not be appropriate to zone the subject land to IN2 Light Industrial.</p> <p>The subject additional permitted use is limited to an existing use and the inconsistency is considered to be of minor significance.</p>

Section C – Environmental, Social and Economic Impact

Is there any likely hood that critical habitat or threatened species, populations or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site has been cleared of vegetation as a result of previous landuses. There are no known threatened species, populations or ecological communities present on the site. Further assessment of any vegetation proposed to be cleared will be undertaken at the detailed design stage.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject site is identified as being almost entirely flood prone in accordance with the Dubbo LEP 2011, meaning that it is almost entirely inundated in a 1 in 100 year flood event. A 1% AEP flood level of 262.4m has been determined for the site.

The indicative masterplan also includes a flood runner that will allow flood waters to traverse the site, it is proposed that this flood runner will remain clear of structures.

The Applicant's flood assessment concludes the following:

*'the proposed earthworks would have a negligible impact on the 1% AEP flood levels'
The proposed earthworks would have a negligible impact or a local impact only on flood velocities, velocity x depth, and provisional flood hazard'.*

'Local changes in peak velocity are such that peak velocity remains low and does not pose a concern in relation to erosion or scour in the 1% AEP flood'.

Pre-Gateway consultation with the BCD confirmed that the proposal is consistent with the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005* as well as the *Guideline on Development Controls on Low Flood Risk Areas*.

The DPIE- Biodiversity Conservation Division will be consulted as part of the exhibition process.

Has the Planning Proposal addressed any other social or economic effects?

The subject site does not contain any items or places of Aboriginal or European heritage significance.

The Planning Proposal currently employs 34 staff, the subject proposal will provide it with security and allow for small scale expansion (subject to development consent).

Section D State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The subject proposal will not result in an increase in demand for public infrastructure?

What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No preliminary views from State or Commonwealth agencies have been sought at this stage. However, consultation with DPIE-Biodiversity and Conservation Division (BCD) under section 3.34(2)(d) of the Act is required in accordance with Gateway Determination. This agency consultation will be undertaken concurrently with the community consultation

Part 4 Mapping

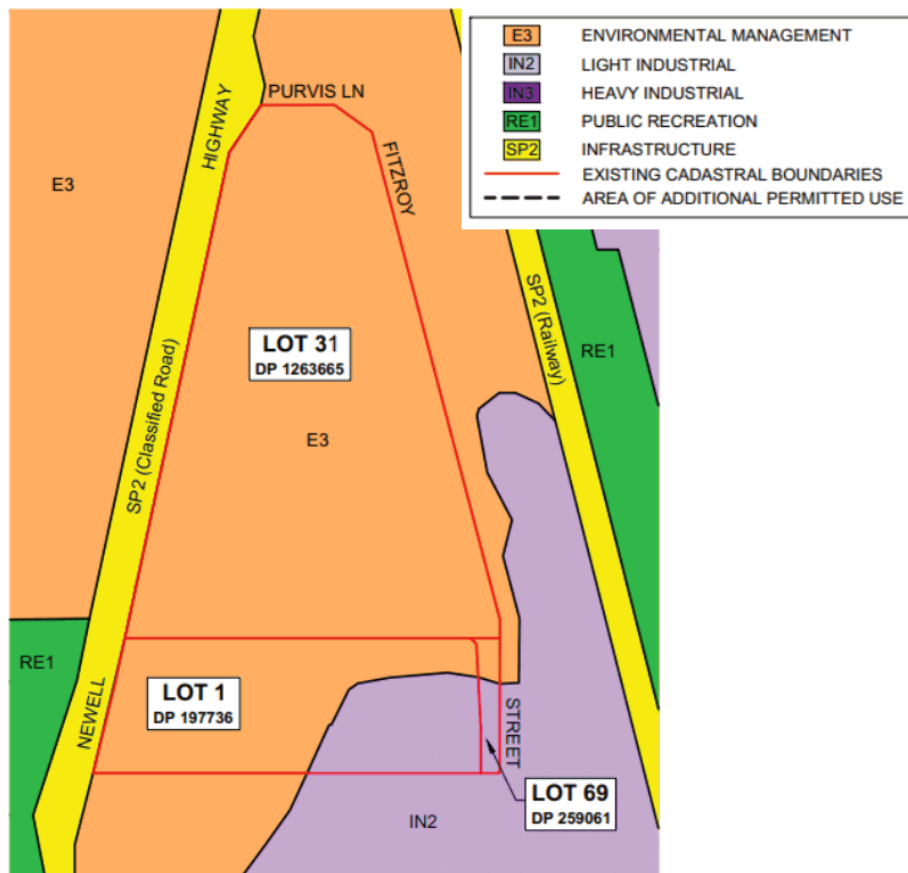
Current Zoning

The subject lands are currently zoned part E3 Environmental Management and part IN2 Light Industrial under the provisions of the Dubbo LEP 2011 (**Figure 3**).

Proposed Rezoning

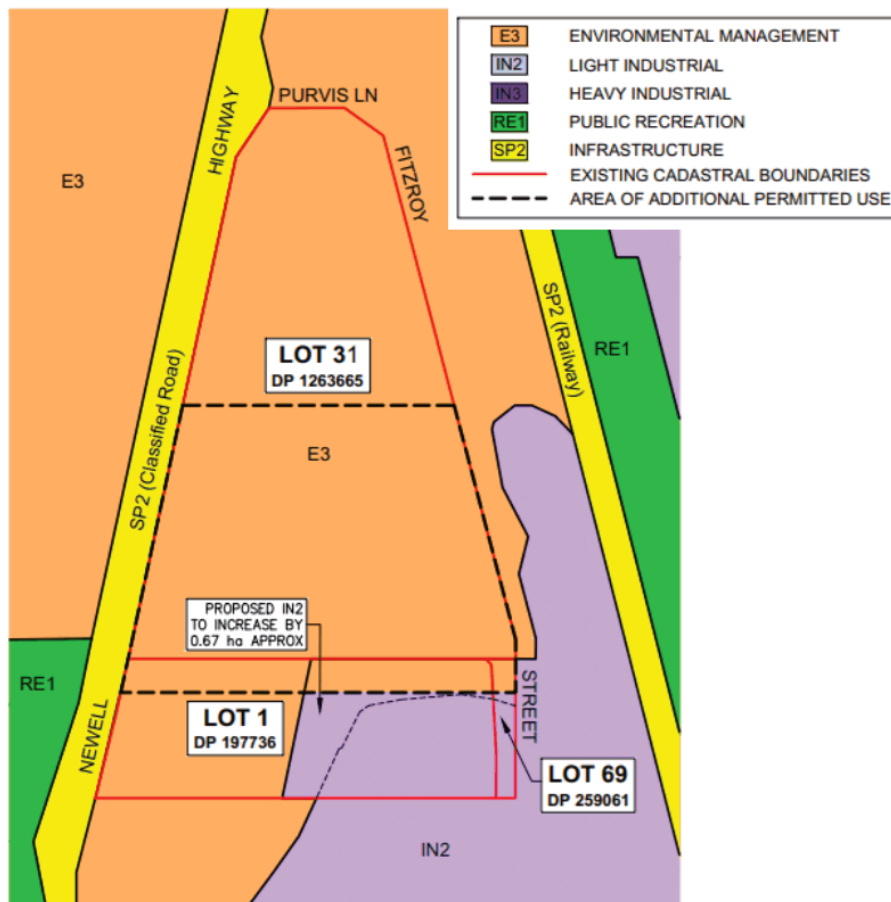
It is proposed to rezone approximately 0.67 ha of land from E3 Environmental Management to IN2 Light Industrial (**Figure 4**).

Figure 3. Current Zoning, Dubbo LEP 2011



Source: Geocortex Base

Figure 4. Proposed Rezoning



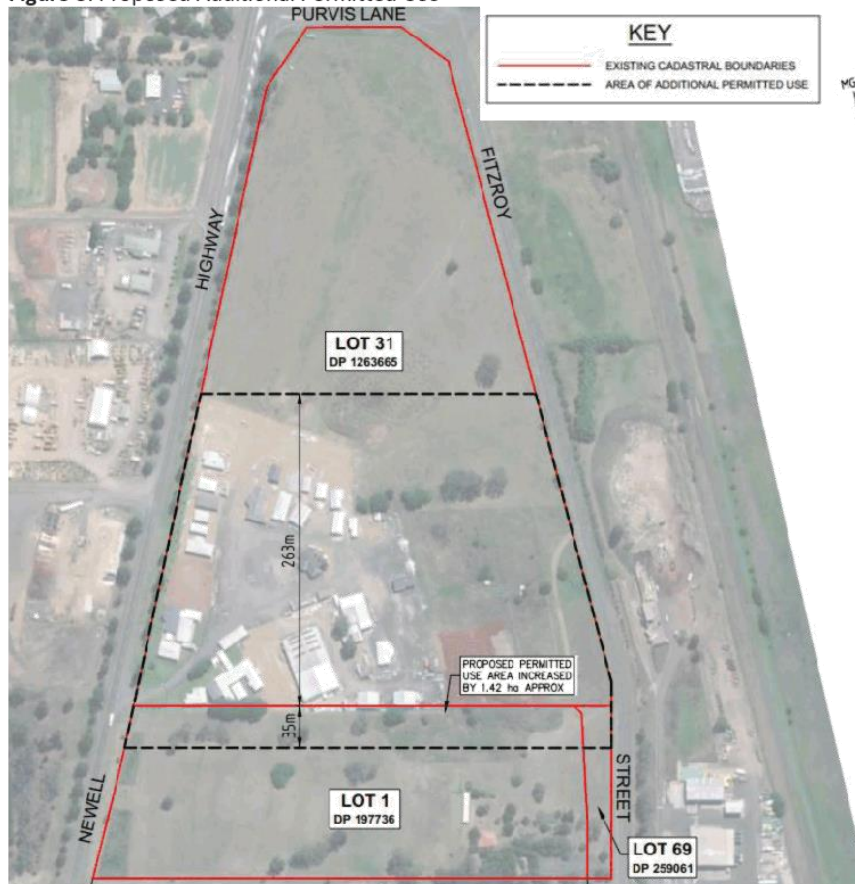
Source: Geocortex Base

Additional Permitted Use

It is also proposed to insert Light Industrial (moveable building manufacturing) as an additional permitted use in Schedule 1 of the Dubbo LEP 2011 over part of 2R Gilgandra Road and part of 63 Fitzroy Street as indicated in **Figure 5**. The total area of the proposed additional permitted use is 10.5 ha.

This exact locations of the additional permitted use will be shown in an additional permitted use map referred to in Schedule 1 of the Dubbo LEP.

Figure 5: Proposed Additional Permitted Use



Part 5 Community Consultation

Council undertook pre-gateway consultation with the BCD regarding potential flooding impacts of the proposal. The results of this consultation are provided in section C of this Planning Proposal. Further consultation with Government agencies will be undertaken in accordance with the Gateway Determination.

A Councillor workshop regarding the proposal was held on August 2020. Onsite consultation with Council staff and immediate neighbours of the proposal was held on 25 October 2020. Further consultation with adjoining neighbours will be undertaken in accordance with the Gateway determination.

Part 6 Project Timeline

The proposed timeline remains undetermined at this stage, however an indicative timeline is provided below:

Stage	Timing
Gateway Determination	December 2020
Completion of additional information	January 2021
Exhibition in accordance with the Gateway Determination	February 2021
Consideration of submissions	March 2021
Amendment to Planning Proposal if required	April 2021
Date of submission to PC (if delegated)	May 2021
Legal drafting	June 2021
Date Plan is made	July 2021

ATTACHMENT A - State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Applicable	Consistency
SEPP 1 – Development Standards	No	NA
SEPP 19 – Bushland in Urban Areas	No	NA
SEPP 21 – Caravan Parks	No	NA
SEPP 33 – Hazardous and Offensive Development	Yes	Yes
SEPP 36 – Manufactured home estates	No	NA
SEPP 47 – Moore Park Showground	No	NA
SEPP 50 – Canal Estate Development	Yes	NA
SEPP 55 – Remediation of Land	Yes	Yes
SEPP 64 – Advertising and Signage	Yes	Yes
SEPP 65 – Design Quality of Residential Apartment Development	No	NA
SEPP 70 – Affordable Housing (Revised Schemes)	Yes	Yes
SEPP Aboriginal Land	No	NA
SEPP Activation Precincts	No	NA
SEPP Affordable Rental Housing	Yes	Yes
SEPP Building Sustainability Index: BASIX	Yes	Yes
SEPP Coastal Management	No	NA
SEPP Concurrences	Yes	Yes
SEPP Education Establishments and Child Care Facilities	Yes	Yes
SEPP Exempt and Complying Development	Yes	Yes
SEPP Gosford City Centre	No	NA
SEPP Housing for Seniors or People with a Disability	No	NA
SEPP Infrastructure	Yes	Yes
SEPP Koala habitat protection	No	NA
SEPP Kosciuszko National Park – Alpine Resorts	NA	No
SEPP Kurnell Peninsula	NA	No
SEPP Mining, petroleum Production and Extractive Industries	Yes	Yes
SEPP Miscellaneous Consent Provisions	Yes	Yes
SEPP Penrith Lakes Scheme	No	NA

State Environmental Planning Policy (SEPP)	Applicable	Consistency
SEPP Primary Production and Rural Development	Yes	Yes
SEPP State and Regional Development	Yes	Yes
SEPP State Significant Precincts	Yes	Yes
SEPP Sydney Drinking Water Catchment	No	NA
SEPP Sydney Region Growth Centres	No	NA
SEPP Three Ports	No	NA
SEPP Urban Renewal	No	NA
SEPP Vegetation in Non-Rural Areas	Yes	Yes
SEPP Western Sydney Employment Area	No	NA
SEPP Western Sydney Parklands	No	NA

ATTACHMENT B - Ministerial Directions

S9.1 Direction	Applicable	Consistent
1.1 Business and Industrial Zones	Yes	Yes
1.2 Rural Zones	No	NA
1.3 Mining, Petroleum Production and Extractive Industries	No	NA
1.4 Oyster Aquaculture	No	NA
1.5 Rural Lands	Yes	Yes
2.1 Environment Protection Zones	Yes	Yes
2.2 Coastal Management	No	NA
2.3 Heritage Conservation	Yes	Yes
2.4 Recreation Vehicle Areas	No	NA
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	NA
2.6 Remediation of Contaminated Land	No	NA
3.1 Residential Zones	No	NA
3.2 Caravan Parks and Manufactured Home Estates	No	NA
3.3 Home Occupations	No	NA
3.4 Integrating Land Use and Transport	Yes	Yes
3.5 Development near Regulated Airports and Defence Airfields	No	NA
3.6 Shooting Ranges	No	NA
3.7 Reduction in non-hosted short term rental accommodation period	No	NA
4.1 Acid Sulfate Soils	No	NA
4.2 Mine Subsidence and Unstable Land	No	NA
4.3 Flood Prone Land	Yes	Minor Inconsistency
4.4 Planning for Bushfire Protection	No	NA
5.1 Implementation of Regional Strategies	No	NA
5.2 Sydney Drinking Water Catchment	No	NA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	NA

S9.1 Direction	Applicable	Consistent
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	No	NA
5.5 – 5.8	Revoked	Revoked
5.9 North West Rail Link Corridor Strategy	No	NA
5.10 Implementation of Regional Plans	Yes	Yes
5.11 Development of Aboriginal Land Council land	No	NA
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	No	NA
6.3 Site Specific Provisions	Yes	Minor Inconsistency
7 Metropolitan Planning	No	NA



REPORT: Planning Proposal Keswick RSL

AUTHOR: Growth Planning Projects Leader - Digital Futures
REPORT DATE: 8 March 2021
TRIM REFERENCE: ID21/294

EXECUTIVE SUMMARY

Council has prepared a Planning Proposal that seeks to amend the Dubbo LEP 2011 to identify registered clubs and outdoor recreation facilities on a 3.3 ha parcel of land at Boundary Road Dubbo (**Appendix 1**).

The site is owned by Council, however the Planning Proposal was prepared in response to a Planning Proposal request from the Dubbo RSL (**Appendix 2**). Council has entered into an agreement with the Dubbo RSL that involves a land swap of the subject parcel in return for the Dubbo City Bowling Club site at 72 Wingewarra Street, Dubbo.

A peer review by an external consultant, Hunter Strategy Pty Ltd concluded that the Planning Proposal is consistent with Department of Planning Infrastructure and Environment Guidelines and is sufficient for progression to Gateway Assessment (**Appendix 3**). It is also the view of Council staff that the subject Planning Proposal has strategic merit and should be forwarded to the Department of Infrastructure, Planning and Environment (DPIE) for Gateway Determination.

It is also recommended that Council seek to use its delegations under Section 3.36 of the *Environmental Planning and Assessment Act, 1979* to draft the subject amendments.

Following receipt of a Gateway Determination, Council will place the draft Planning Proposal on public exhibition and undertake consultation in accordance with the Gateway Determination.

FINANCIAL IMPLICATIONS

All required infrastructure upgrades would be borne by the developer as part of any development approval.

POLICY IMPLICATIONS

The subject Planning Proposal, if successful would amend Schedule 1 Additional Permitted Uses and the associated mapping of Dubbo LEP 2011.

RECOMMENDATION

1. That the report of the Growth Planning Projects Leader – Digital Futures, dated 8 March 2021, be noted.
2. That the Planning Proposal provided here in Appendix 1 and supporting information, be submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination, to identify registered clubs and outdoor recreation facilities as additional permitted uses on part Lot 500 DP 1260295 Boundary Road, Dubbo.
3. That Council seek authority from the Department of Planning Industry and Environment to exercise its Delegations in relation to the plan making functions under Section 3.36 of the *Environmental Planning & Assessment Act 1979*.
4. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

Carmel O'Connor

Growth Planning Projects Leader - Digital Futures

BACKGROUND

Council has prepared a Planning Proposal pertaining to a 3.3 Ha parcel of land on part Lot 500, DP 1260295, Boundary Road, Dubbo. The Planning Proposal seeks to identify registered clubs and outdoor recreation facilities as additional permitted uses on the site under the provisions of Schedule 1 of the Dubbo LEP 2011 and to also retain its existing R2 Residential Low Density Zoning.

Figure 1. Subject Site - Local Context



Source: The Planning Hub, 2020

Figure 2. Subject Site



Source: The Planning Hub, 2020

The southern boundary of the subject site adjoins the Stage 2 Boundary Road extension and will be on the corner of Boundary Road and the future Henty Avenue.

The site is currently owned by Council, however Council has entered into an agreement with the Dubbo RSL whereby they will swap the subject site for the Dubbo City Bowling Club site on gazettal of the subject LEP amendment.

Any future proposal for recreation facilities or a registered club would be subject to a merits based assessment.

REPORT

1. Site Description

The subject site is located approximately 4.5km from the Dubbo CBD, and is almost directly opposite the B1 Neighbourhood Centre zone on Boundary Road. The site is the subject of a recent Development Application for 3.3 Ha subdivision that was being assessed at the time of preparing this report.

The subject site is bound by the second stage of the Boundary Road extension on its southern boundary and the extension to Henty Avenue to its east.

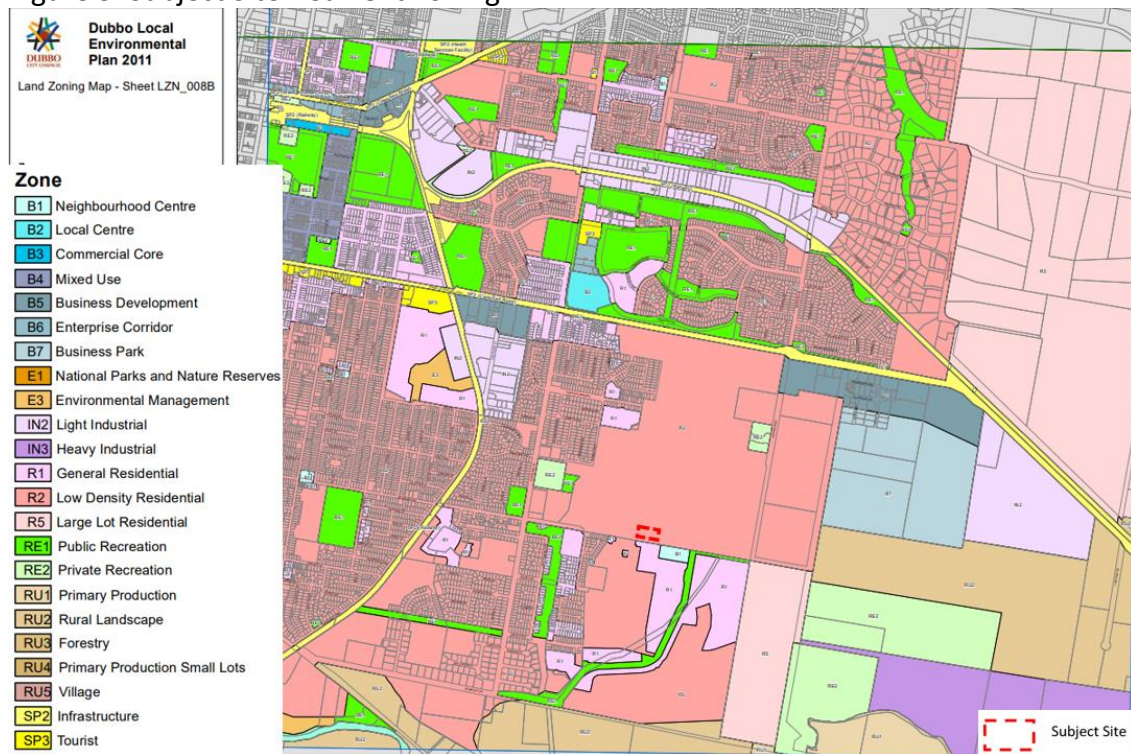
The site and its surrounds are generally cleared and are an undeveloped residential estate.

2. Dubbo LEP 2011

Zoning

The site is zoned R2 Low Density Residential in accordance with the Dubbo LEP 2011 (Figure 3) which prohibits registered clubs and outdoor recreation facilities. The objectives of the R2 Low Density Residential Zone and landuse table are provided overleaf:

Figure 3. Subject Site - Current Zoning



Zone Objectives

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure development is consistent with the character of the immediate locality.
- To encourage low density housing within a landscaped setting on the fringe of the Dubbo urban area.

Permitted without consent

Environmental protection works; Home-based child care; Home occupations; Roads

Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Respite day care centres; Signage; Tank-based aquaculture; Water reticulation systems

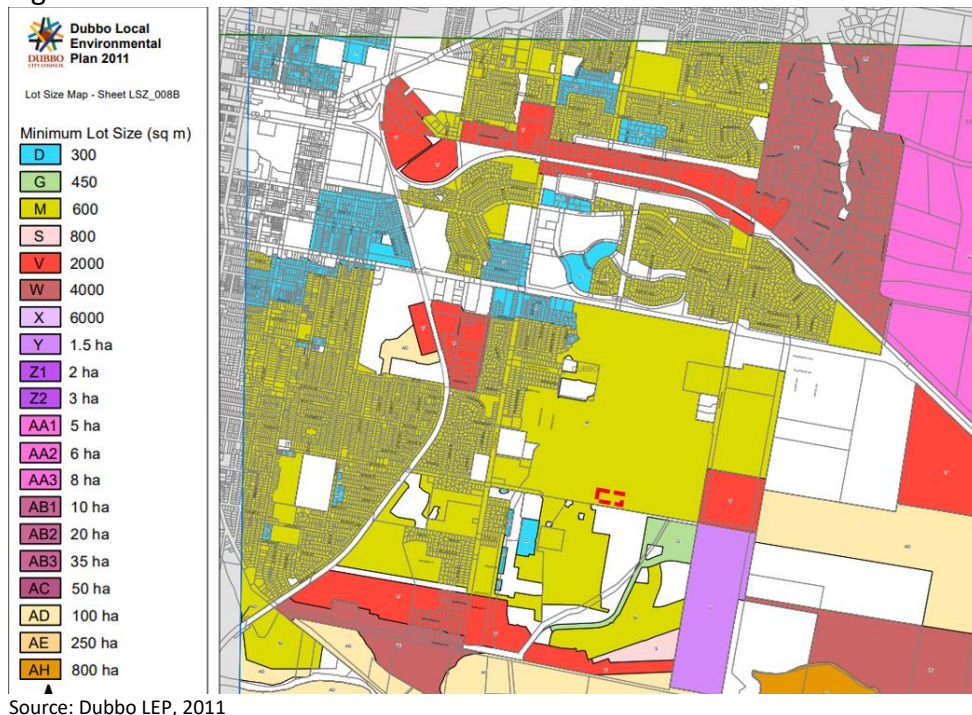
Prohibited

Advertising structures; Attached dwellings; Hostels; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Any other development not specified in item 2 or 3

Minimum Lot Size

The site is subject to a 600 m² Minimum Lot Size (MLS) as shown in Figure 4.

Figure 4. Minimum Lot Size



3. Assessment

a) Dubbo LEP 2011

It is considered that the subject Proposal is consistent with the relevant objectives of the existing R2 Zone as provided above. It is not proposed to change the existing 600m² minimum lot size provided in Dubbo LEP 2011.

b) Hazards

The site is not identified as being flood prone, or bushfire prone in accordance with Dubbo LEP 2011. However as the site is covered in grassland, the Proposal will be forwarded to the NSW Rural Fire Service as part of the Gateway process.

c) Traffic and Access

Access

The Proposal will be located on the future extension of Boundary Road and Henty Drive which are proposed to form a roundabout intersection. Vehicle access to the future site is proposed via a single all movements vehicular access off the Henty Drive extension.

The proposed Boundary Road extension adjoining the site's southern boundary will deliver integrated bike lanes and pedestrian footpaths. The Proposal also includes a pedestrian entry off the Boundary Road extension.

Public Transport

It is anticipated that bus services will service the subject site as it develops in line with the Dubbo City Transportation Strategy that proposes bus services to be within 500m of new development in Dubbo.

Traffic Generation

The Proponent's traffic assessment (TTM 22020) estimates that the Proposal will generate in the order of 200 vph at peak hour (Saturday afternoon), approximately 100 vph at weekday pm peak hour and would have a negligible impact during weekday am peak hour. The Assessment also found that:

Given the estimates of development generated traffic during these times are relatively low and that the access driveway is located as far from the adjacent intersection as possible, it is considered likely that the future road network will easily accommodate the development generated traffic.

d) Contamination

A Preliminary Contamination Investigation prepared by Envirowest Consulting (29 July 2020) was submitted with the Proposal. The investigation found that:

..the site was used as grazing land until the late 1980s, however aerial photographs from 1981 indicates disturbance on the site which may be stockpiles identified at the time of inspection. The topographic map, developed from aerial imagery also identifies a rubbish tip on the site.

Soil sampling of the site indicates levels of chromium (III) that exceed adopted thresholds in one stockpile sample. The levels of all other analytes analysed in soil samples were below the required thresholds for recreational and commercial use.

Envirowest concluded that:

..it is expected that the site can be made suitable for the proposed landuse following additional investigations, completion of remediation works and validation assessment.

The additional investigations should be undertaken following surveying of the proposed site boundary to ensure the entire site is sampled.

e) Groundwater Vulnerability

The subject site is identified as having moderately high groundwater in accordance with Dubbo LEP 2011 and is zoned for residential development.

The Salinity and Groundwater Assessment (Envirowest, August 2020) provided in support of the Planning Proposal request did not identify any visual surface or sub-surface indicators of groundwater discharge areas on the site and concluded that:

..the risk of groundwater contamination from the proposed landuses is lower than under the current landuse. No impact on groundwater including contamination and changed groundwater levels in expected from the development. The development will not impact the quality or quantity of both unconfined and confined aquifers.

f) Biodiversity

The subject site is highly disturbed and has been predominantly cleared of native vegetation. The subject site does not include any known high value biodiversity, however to the north west of the subject site, a small area of high value biodiversity is identified.

Any future development on the subject site will be subject to biodiversity assessment. It should also be noted that the subject site is zoned R2 Low Density Residential in accordance with Dubbo LEP 2011. Under this existing landuse regime, the site is still subject to a 600 m² MLS and would be almost entirely cleared. As such, it is considered that the proposed additional permitted uses will not increase biodiversity impacts.

g) Aboriginal Archaeology

An Aboriginal heritage due diligence assessment was undertaken by OzArk Environment and Heritage Management in 2020. The assessment did not find items of Aboriginal cultural heritage present on the site. State and Commonwealth Heritage Registers also indicate that there are no listed items present on the site.

4. Strategic Merit Test

In August 2016, the Department of Planning and Environment, introduced the Strategic Merit Test to determine if a Planning Proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test outlined in the Department's publication, A Guide to Preparing Local Environmental Plans, December 2018, a brief summary of the Strategic Merit Test is provided below:

Will the Proposal give effect to the relevant regional plan outside of the Greater Sydney Region?

I. Central West and Orana Regional Plan

The Proposal will assist in achieving the directions and actions of the Plan as described below:

Direction 4: Promote and diversify regional tourism markets

The Proposal will provide additional recreational facilities that may also attract sporting events and tourists to Dubbo.

Direction 21: Coordinate utility infrastructure investment

The Proposal is situated to take advantage of the planned extension of water, stormwater, drainage, gas, electricity, sewer and telecommunications (including NBN) services as part of the Boundary Road extension.

Direction 22: Manage growth and change in regional cities and strategic and local centres

The Proposal will provide recreational facilities for the growing residential population in the South-East Dubbo residential release and provide alternative leisure facilities for Dubbo residents in general.

Direction 29: Deliver healthy built environments and better urban design

Through the provision of recreation facilities, the Proposal will make a positive contribution toward the delivery of a healthy built environment for residents of a growing residential estate.

There are potential amenity impacts associated with the operation of a registered club and recreation facilities in a growing residential estate, including acoustic issues, traffic congestion and light spill which will require careful design and operational measures in order to minimise amenity impacts on surrounding residential receivers. However, it is unlikely that a site of sufficient size would be available in a more built up area and if it were available, it is highly likely it would present even greater operation constraints and design limitations than the proposed site.

Will the Proposal give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional district plan or local strategic planning statement?

I. Dubbo Employment Lands Strategy

The Proposal does not seek to rezone the subject site to an employment generating zone, rather to facilitate the development of an employment generating use on the subject site. As such, the Dubbo Employment Lands Strategy does not apply to the subject site.

II. Dubbo Regional Local Strategic Planning Statement

The Dubbo Regional Local Strategic Planning Statement (LSPS) was adopted by Council on 22 June 2020. Consideration of the Proposal against relevant Planning Priorities is provided in Table 1 below:

Table 1. Consistency with Local Strategic Planning Statement

No	Planning Priority	Consideration
1	<i>Plan for the delivery of infrastructure to support growth.</i>	The Proposal will take advantage of the extension of services as part of the second stage of the Boundary Road extension including integrated bike lanes and footpath and utilities. Future Development Applications for the proposed registered club and recreational facility will be subject to Council's contributions plans.
7	<i>Continue to support and grow our tourism industry.</i>	The Proposal may attract sporting events and other events that could contribute to increased tourist numbers in Dubbo.
12	<i>Create sustainable and well-designed neighbourhoods.</i>	The Proposal will provide a recreation facility to service a growing residential land release and the proposed recreational facilities will ensure functional open space is provided for increased housing and population growth in this area.
14	<i>Create high quality open space</i>	The Proposal includes the provision of high quality open space specifically identified to cater for a range of sports.

III. Dubbo Region Community Strategic Plan

The Community Strategic Plan is a long term plan produced by Council that aims to guide and influence the actions and initiatives of the Dubbo Regional Council, State Government and the community to 2040.

The Plan sets out five visions to reflect the priorities of the local community. The Proposal is consistent with and will give effect to the stated housing and liveability visions as summarised in Table 2 below:

Table 2. Consistency with Community Strategic Plan

Strategy	Assessment
<i>1.1.1 A variety of residential housing types are located close to appropriate services and facilities.</i>	The proposal will facilitate the provision of a registered club and outdoor recreation facilities in close proximity to future residential development in South East Dubbo.

Strategy	Assessment
<i>1.4.3 Residential and other development is supported by the provision of strategic and affordable infrastructure network.</i>	The proposal will utilise the planned extension of Boundary Road including the extension of utilities and provision of cycle lanes.
<i>2.2.1 Council promotes a high degree of road safety to users.</i>	The proposal will be designed and sited in accordance with all relevant road safety requirements. Any future club/private recreation facility development on the site will be subject to a Development Application including assessment of road safety issues.
<i>2.2.3 Council's road network meets the transport needs of users in terms of traffic capacity, functionality and economic and social connectivity.</i>	The proposal will utilise the proposed extension of Boundary Road. Council engineers have confirmed that the proposed extension to Boundary Road is of sufficient capacity to cater for the proposed development. The Boundary Road extension will also ensure the site is highly accessible by car and bicycle.
<i>2.5.5 A network of cycleways and pedestrian facilities is provided and maintained.</i>	The proposed Boundary Road extension incorporates cycleways and pedestrian paths.
<i>3.1.5 Events that provide for activities that foster cultural and recreational opportunities and community interaction are supported.</i>	The proposal will facilitate the development of community and recreation facilities that can cater to residents and visitors.
<i>3.2.1 Employment opportunities for all sectors of the community that support economic growth.</i>	The proposal will provide employment opportunities for a wide range of the community, potentially on a permanent and temporary basis and may support economic growth through the attraction of visitors to events.
<i>3.5.1 Opportunities for long term growth and investment across sectors and industry is leveraged.</i>	The proposal will provide opportunities to grow the tourism and leisure industry in Dubbo.
<i>3.5.6 Investment in the Local Government Area as a</i>	The proposal will provide an

Strategy	Assessment
<i>driver of growth in the region is a key priority for government, industry and the local community.</i>	opportunity for the RSL to invest in the Dubbo region.
<i>4.1.1 There is a demonstrated unity throughout the community.</i>	The proposal will provide an opportunity to reinforce unity through the provision of recreational facilities.
<i>5.5.1 Access to recreation and cultural facilities for young people is improved.</i>	The proposal will provide recreational and cultural facilities for the whole community including young people.
<i>5.5.2 Quality passive and active open space is located to maximise access and use by the community.</i>	The proposal is located within a new residential land release and will be highly accessible and will cater for a wide range of the community.
<i>5.5.3 Unique recreational facilities and opportunities are available.</i>	The proposal will provide a recreational facility in a residential land release where recreational facilities are prohibited.
<i>5.5.4 Our sporting facilities recognised as catering for a wide range of local, regional, and State sporting events and opportunities.</i>	The proposal, when developed will accommodate a range of sporting events.

IV. Residential Areas Development Strategy

The Dubbo Residential Areas Development Strategy (1996) provides a development control and servicing and staging framework to ensure timely development of residential land to meet the needs of the Dubbo community. The Strategy was produced to guide future decisions regarding residential land in Dubbo.

It is estimated that the proposal will directly reduce the yield of the subject land release by around 38 residential lots. It is also possible that amenity issues associated with the operation of the proposed facilities may impact the residential development of land adjoining the site.

It is considered that whilst the proposal will result in a reduction in the provision of land for residential development as detailed above, this impact is minor and the proposal will provide significant benefit to local residents.

Is the Planning Proposal responding to a change in circumstances; such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

The Planning Proposal is not the result of a strategic study or report, however is located in an existing undeveloped residential estate and will utilise the Stage 2 extension of Boundary Road including services and cycleways.

Section 9.1 Directions

A number of Section 9.1 Directions are applicable to the subject Proposal. As provided in **Appendix 1**, it is considered that the Proposal is consistent with the majority of relevant directions and presents only a minor inconsistency.

State Environmental Planning Policies

A number of State Environmental Planning Policies apply to the Proposal. As provided in **Appendix 1**, it is considered that the Proposal is consistent with the relevant SEPPs.

SUMMARY

Council has prepared a Planning Proposal regarding a 3.3 ha parcel of land at Boundary Road, Dubbo (**Appendix 1**). The Planning Proposal was prepared in response to a request from the Dubbo RSL (**Appendix 2**) and seeks to identify registered clubs and outdoor recreation facilities as additional permitted uses on the subject site under the provisions of Schedule 1 of Dubbo LEP 2011.

The subject Planning Proposal and the request from Dubbo RSL were reviewed by an external consultant and found to be sufficient to progress to Gateway (**Appendix 3**).

It is recommended that the Planning Proposal at **Appendix 1** and the Dubbo RSL Planning Proposal request at **Appendix 2** be forwarded to the DPIE for Gateway Determination and that Council request to use its delegations under Section 3.36 of the *Environmental Planning and Assessment Act 1979* regarding plan making functions.

Appendices:

- | | | |
|---|-----------------------------|---|
| 1 | Council Planning Proposal | |
| 2 | Dubbo RSL Planning Proposal | <i>Included under separate cover</i> |
| 3 | Peer Review | |



Dubbo Regional Council

Planning Proposal R20 - 4

Part Lot 500 DP 1260295

Boundary Road, Dubbo

February 2021

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Background

Dubbo Local Environmental Plan (LEP) 2011 is the statutory planning framework that establishes land use zones and land use permissibility accordingly in the former Dubbo Local Government Area.

Council is in receipt of a proposal to amend Dubbo LEP 2011 in relation to part Lot 500 DP 1260295, Boundary Road, Dubbo. The Proposal seeks to identify registered clubs and outdoor recreation facilities as additional permitted uses on a 3.3 ha parcel of the subject site.

A Gateway Determination would enable Council to exhibit the Planning Proposal and to request additional technical studies and investigations if required. According to the Department's publication 'A Guide to Preparing Planning Proposals', a planning proposal is a document that sets out the justification for making changes to Dubbo LEP 2011. A planning proposal is comprised of the following components:

Table 1. Planning Proposals

Part	Content
Part 1	A statement of the intended outcomes of the Planning Proposal. It is a statement of what is planned to be achieved, not how it is to be achieved.
Part 2	An explanation of the proposed changes to Dubbo LEP 2011 to achieve the intended outcomes.
Part 3	The justification for making the proposed changes to Dubbo LEP 2011.
Part 4	Maps to identify the intended outcomes of the Planning Proposal.
Part 5	Details of the community consultation that is to be undertaken on the Planning Proposal.
Part 6	An estimated timeline for the completion of the LEP amendment.

Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to the Planning Proposal.

Part 1 Objectives or Intended Outcomes

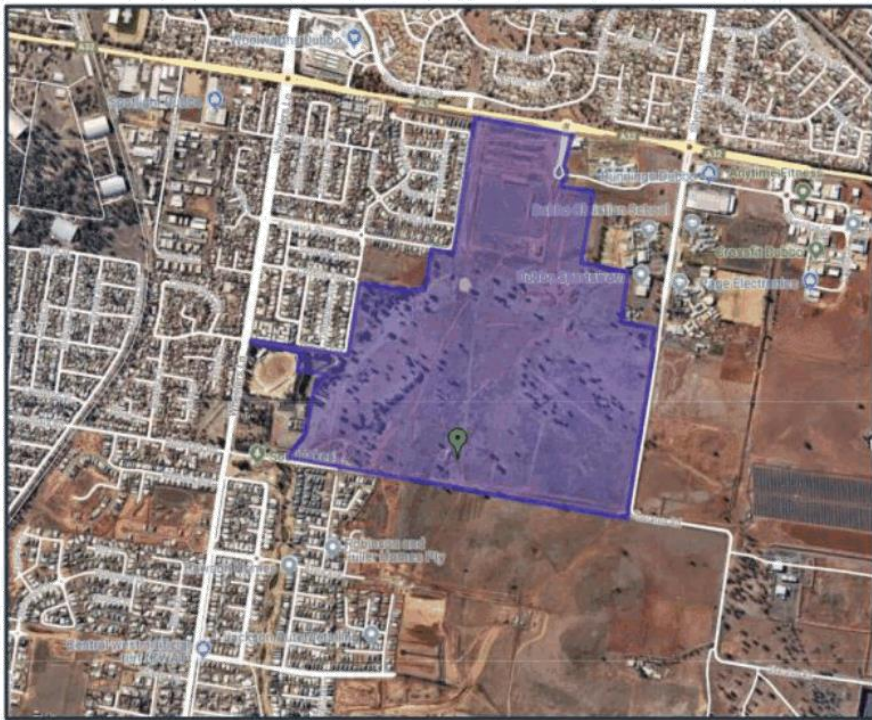
Subject Site

This Planning Proposal applies to Lot 500 DP 1260295, Boundary Road, Dubbo (Figure 1). The entire property is 137.66 ha in area and the parcel of land the subject of this planning proposal is approximately 3.3 ha.

At the time of preparing this Planning Proposal, Council was also in receipt of a Development Application seeking to subdivide the subject site from the remainder of the property.

The site is zoned R2 Low Density Residential in accordance with Dubbo LEP 2011. The subject site is not identified as flood prone or bushfire prone in accordance with Dubbo LEP 2011, however is generally covered in grasslands.

Figure 1: Subject Site



Source: Keswick RSL Planning Proposal, the Planning Hub, 2020

The intended outcomes of this Planning Proposal are:

- To allow a registered club and recreational facilities (outdoor) to be developed on a 3.3 ha parcel of land in close proximity to the South-East Dubbo Urban Release currently being developed.

Part 2 Explanation of Provisions

To achieve the intended outcomes, the following amendments to Dubbo LEP 2011 are proposed:

- Amend Schedule 1 of the Dubbo LEP 2011 to identify registered clubs and recreation facilities (outdoor) as additional permitted uses on part Lot 500 DP 1260295.
- Amend the Dubbo LEP 2011 Additional Permitted Uses Map (Sheet APU_008B) to identify the aforementioned uses as permissible on the subject site.

Part 3 Justification

Section A - Need for the Planning Proposal

Section 3 assesses the proposal based on the justification matters outlined in the Department of Planning and Environment's publication 'a Guide to Preparing Planning Proposals'. The intended outcome is to demonstrate where there is justification to proceed to Gateway.

1. Is the Planning Proposal the result of an endorsed local strategic planning statement, strategic study or report?

This Planning Proposal is not the result of any strategic study or report, it has been prepared in response to a proposal requesting to amend Schedule 1 of the Dubbo LEP 2011 to add 'registered clubs' and 'recreational facilities (outdoor)', as additional permitted uses on part Lot 500 DP: 1260295.

Council's assessment considered the following technical studies submitted with the proposal:

- Planning Proposal Report (prepared by the Planning Hub, October 2020);
- Site Aerial and Lot Layout
- Concept Layout Plan
- Aboriginal Due Diligence Assessment
- Preliminary Site Investigation
- Salinity and Groundwater Assessment
- Preliminary Opportunities and Constraints Analysis
- Civil Engineering and Servicing Report
- Traffic and Transport Assessment
- Social and Community Infrastructure Assessment

Council's assessment indicates that the proposal has sufficient strategic merit to proceed to Gateway. Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to this planning proposal.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The subject Planning Proposal is the best means of achieving the intended outcomes which are to allow for a registered club and outdoor recreation facilities to be developed on the subject site.

The proposed additional permitted uses are not inconsistent with the objectives of the existing R2 Low Density Residential Zone as provided in Dubbo LEP 2011.

A rezoning to a commercial zone that would permit a registered club, would also permit a wide range of additional commercial land uses that would be highly incompatible with future surrounding residential development. A commercial zoning may also impact the potential for commercial landuses to be developed in existing commercial zones. In this regard, it should also be noted that as there is an existing B1 Neighbourhood Centre Zone on the opposite side of the road to the subject site, an additional commercial zone in this location is not required.

Whilst a rezoning to RE2 Private Recreation would permit a registered club and an outdoor recreation facility, this zoning would also permit a range of land uses that would, in some cases, be highly incompatible with future surrounding residential development

It is acknowledged that there are potential amenity impacts associated with the operation of a registered club and recreation facilities in a growing residential estate and that these issues will require careful design and operational management measures. However, the subject proposal is limited to only two additional permitted uses rather than the range of uses that would be permissible under an alternative zone, therefore limiting potential amenity impacts.

In addition, as the surrounding residential area is a greenfield development site, there is an opportunity for future surrounding residential development to be designed in a way that minimises adverse impacts associated with the operation of the club and recreation facilities.

It is also unlikely that a site of sufficient size in an existing built up area would be available and if it were, it would likely present even greater operational limitations than the subject proposal.

For these reasons, the subject proposal is considered to be the best means of achieving its intended outcomes.

Section B Relationship to Strategic Planning Framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

I. Central West and Orana Regional Plan

The proposal will assist in achieving the directions and actions of the Plan as described below:

Direction 4: Promote and diversify regional tourism markets

The proposal will provide additional recreational facilities that may also attract sporting events and tourists to Dubbo.

Direction 21: Coordinate utility infrastructure investment

The proposal is situated to take advantage of the planned extension of water, stormwater, drainage, gas, electricity, sewer and telecommunications (including NBN) services in the Boundary Road extension.

Direction 22: Manage growth and change in regional cities and strategic and local centres

The proposal will provide recreational facilities for the growing residential population in the South-East Dubbo residential release and provide alternative leisure facilities for Dubbo residents in general.

Direction 29: Deliver healthy built environments and better urban design

Through the provision of recreation facilities, the proposal will make a positive contribution toward the delivery of a healthy built environment for residents of a growing residential estate.

There are potential amenity impacts associated with the operation of a registered club and recreation facilities in a growing residential estate, including acoustic issues, traffic congestion and light spill which will require careful design and operational measures in order to minimise amenity impacts on surrounding residential receivers. However, it is unlikely that a site of sufficient size would be available in a more built up area and if it were available, it is highly likely it would present even greater operation constraints and design limitations than the proposed site.

Will the Planning Proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The Dubbo Employment Lands Strategy was adopted by Council and endorsed by the then Department of Planning and Environment in 2019. The proposal is consistent with the Dubbo Employment Lands Strategy as described below:

II. Dubbo Employment Lands Strategy

The Proposal does not seek to rezone the subject site to an employment generating zone, rather to facilitate the development of an employment generating use on the subject site. As such, the Dubbo Employment Lands Strategy does not apply to the subject site.

III. Dubbo Regional Local Strategic Planning Statement

The Dubbo Regional Local Strategic Planning Statement (LSPS) was adopted by Council on June 22, 2020. Consideration of the Proposal against relevant Planning Priorities is provided in Table 2 below:

Table 2. Consistency with Local Strategic Planning Statement

No	Planning Priority	Consideration
1	<i>Plan for the delivery of infrastructure to support growth.</i>	The proposal will take advantage of the extension of services as part of the second stage of the Boundary Road extension including integrated bike lanes and footpath and utilities.

No	Planning Priority	Consideration
		Future Development Applications for the proposed registered club and recreational facility will be subject to Council's contributions plans.
7	<i>Continue to support and grow our tourism industry.</i>	The proposal may attract sporting events and other events that could contribute to increased tourist numbers in Dubbo.
12	<i>Create sustainable and well-designed neighbourhoods.</i>	The proposal will provide a recreation facility to service a growing residential land release and the proposed recreational facilities will ensure functional open space is provided for increased housing and population growth in this area.
14	<i>Create high quality open space</i>	The proposal includes the provision of high quality open space specifically identified to cater for a range of sports.

IV. Dubbo Region Community Strategic Plan

The Community Strategic Plan is a long term plan produced by Council that aims to guide and influence the actions and initiatives of the Dubbo Regional Council, State Government and the community to 2040.

The Plan sets out five visions to reflect the priorities of the local community. The proposal is consistent with and will give effect to the stated housing and liveability visions as summarised in Table 3 below:

Table 3. Consistency with Community Strategic Plan

Strategy	Assessment
<i>1.1.1 A variety of residential housing types are located close to appropriate services and facilities.</i>	The proposal will facilitate the provision of a registered club and outdoor recreation facilities in close proximity to future residential development in South East Dubbo.
<i>1.4.3 Residential and other development is supported by the provision of strategic and affordable infrastructure network.</i>	The proposal will utilise the planned extension of Boundary Road including the extension of utilities and provision of cycle lanes.
<i>2.2.1 Council promotes a high degree of road safety to users.</i>	The proposal will be designed and sited in accordance with all relevant road safety requirements. Any

Strategy	Assessment
	future club/private recreation facility development on the site will be subject to a Development Application including assessment of road safety issues.
<i>2.2.3 Council's road network meets the transport needs of users in terms of traffic capacity, functionality and economic and social connectivity.</i>	The proposal will utilise the proposed extension of Boundary Road. Council engineers have confirmed that the proposed extension to Boundary Road is of sufficient capacity to cater for the proposed development. The Boundary Road extension will also ensure the site is highly accessible by car and bicycle.
<i>2.5.5 A network of cycleways and pedestrian facilities is provided and maintained.</i>	The proposed Boundary Road extension incorporates cycleways and pedestrian paths.
<i>3.1.5 Events that provide for activities that foster cultural and recreational opportunities and community interaction are supported.</i>	The proposal will facilitate the development of community and recreation facilities that can cater to residents and visitors.
<i>3.2.1 Employment opportunities for all sectors of the community that support economic growth.</i>	The proposal will provide employment opportunities for a wide range of the community, potentially on a permanent and temporary basis and may support economic growth through the attraction of visitors to events.
<i>3.5.1 Opportunities for long term growth and investment across sectors and industry is leveraged.</i>	The proposal will provide opportunities to grow the tourism and leisure industry in Dubbo.
<i>3.5.6 Investment in the Local Government Area as a driver of growth in the region is a key priority for government, industry and the local community.</i>	The proposal will provide an opportunity for the RSL to invest in the Dubbo region.
<i>4.1.1 There is a demonstrated unity throughout the community.</i>	The proposal will provide an opportunity to reinforce unity through the provision of recreational facilities.

Strategy	Assessment
<i>5.5.1 Access to recreation and cultural facilities for young people is improved.</i>	The proposal will provide recreational and cultural facilities for the whole community including young people.
<i>5.5.2 Quality passive and active open space is located to maximise access and use by the community.</i>	The proposal is located within a new residential land release and will be highly accessible and will cater for a wide range of the community.
<i>5.5.3 Unique recreational facilities and opportunities are available.</i>	The proposal will provide a recreational facility in a residential land release where recreational facilities are prohibited.
<i>5.5.4 Our sporting facilities recognised as catering for a wide range of local, regional, and State sporting events and opportunities.</i>	The proposal, when developed will accommodate a range of sporting events.

V. Residential Areas Development Strategy

The Dubbo Residential Areas Development Strategy (1996) provides a development control and servicing and staging framework to ensure timely development of residential land to meet the needs of the Dubbo community. The Strategy was produced to guide future decisions regarding residential land in Dubbo.

It is estimated that the proposal will directly reduce the yield of the subject land release by around 38 residential lots. It is also possible that amenity issues associated with the operation of the proposed facilities may impact the residential development of land adjoining the site.

It is considered that whilst the proposal will result in a reduction in the provision of land for residential development as detailed above, these impacts are minor and the proposal will provide significant benefit to local residents through the provision of supporting infrastructure in a developing greenfield area.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

In accordance with the Planning Proposal Guidelines (NSW Department of Planning, 2018), SEPPs relevant to the Planning Proposal must be identified and the relationship of the Planning Proposal with those SEPPs must be discussed.

Table 4 identifies and provides a discussion regarding the specific SEPPs relevant to the proposal. Attachment A provides a list of all SEPPs and identifies those applicable to the subject site and those relevant to the subject Planning Proposal.

Table 4. Consistency with Relevant State Environmental Planning Policies

SEPP	Requirement	Comment
SEPP No 55 – Remediation of Land	<p>The SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment -</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that remediation work meet certain standards and notification requirements.</p>	<p>A Preliminary Contamination Investigation prepared by Envirowest Consulting (29 July 2020) was submitted with the proposal.</p> <p>Envirowest found that:</p> <p><i>‘..the site was used as grazing land until the late 1980s, however aerial photographs from 1981 indicates disturbance on the site which may be stockpiles identified at the time of inspection. The topographic map, developed from aerial imagery also identifies a rubbish tip on the site.</i></p> <p><i>Soil sampling of the site indicates levels of chromium (III) that exceed adopted thresholds in one stockpile sample. The levels of all other analytes analysed in soil samples were below the required thresholds for recreational and commercial use’.</i></p> <p>Envirowest concluded that:</p> <p><i>‘it is expected that the site can be made suitable for the proposed landuse following additional investigations, completion of remediation works and validation assessment.</i></p>

SEPP	Requirement	Comment
		<p><i>The additional investigations should be undertaken following surveying of the proposed site boundary to ensure the entire site is sampled.'</i></p> <p><i>'A detailed investigation report should be prepared describing the results and suitability for the proposed land-use or requirements for remediation'.</i></p> <p>The SEPP does not prohibit the proposed development on the subject site.</p>
SEPP Vegetation in Non-Rural Areas	The SEPP applies to the removal of vegetation in non-rural zones including the R2 Low Density Residential Zone.	<p>The Dubbo LEP 2011 identifies terrestrial biodiversity to the west and north west of the subject site. However, the proposed site for the registered club and recreation facilities does not fall within these areas.</p> <p>The subject site consists of grasslands and scattered trees and has been grazed over several years. There is no known high value biodiversity or threatened species present. It is unlikely that any critical habitat or threatened ecological communities will be adversely affected by the Planning Proposal, however further assessment of any</p>

SEPP	Requirement	Comment
		<p>proposed vegetation removal will occur at the detailed design stage of the proposal.</p> <p>It should also be noted that the site is zoned R2 Low Density Residential (Dubbo LEP 2011) and if developed for this purpose, the site would be cleared of almost all vegetation. As such, the proposal will not involve a greater impact on vegetation than would occur under the current landuse regime.</p>

Is the Planning Proposal consistent with applicable Ministerial Directions (9.1 Directions)?

In accordance with the Planning Proposal Guidelines (NSW Department of Planning, 2018), a planning proposal must identify which, if any, section 9.1 Directions are relevant to the proposal, and whether the proposal is consistent with the direction. Where the Planning Proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the Planning Proposal.

Tables 5 and 6 identify and provide discussion regarding the specific Ministerial Directions relevant to the proposal (Attachment B provides a full list of Ministerial Directions and identifies those Directions that are relevant).

Table 5. Consistency with Section 9.1 Ministerial Directions

	Requirement	Compliance
2. Environment and Heritage		
2.3 Heritage Conservation	This Direction applies to all planning proposals and requires provisions to be made that facilitate the conservation of heritage items.	<p>Consistent</p> <p>The proposal is consistent with these principles. An Aboriginal Due Diligence Assessment (Ozark Environmental 2020) submitted in support of the proposal did not find any potential impacts on</p>

	Requirement	Compliance
		<p>Aboriginal objects or archaeological deposits.</p> <p>The Assessment concluded that:</p> <p><i>'there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites. However, during works if Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the Unanticipated Finds Protocol should be followed'.</i></p> <p>A scar tree is located approximately 150m to the west of the subject site. In this regard Ozark advised that:</p> <p><i>'all contractors should be given updated location information and 'efforts made to avoid the site, which should be feasible given it is outside of the study area'</i></p> <p>Ozark also advised that:</p> <p><i>'should the parameters of the proposal extend beyond the assessed areas then further archaeological assessment may be required'.</i></p>
2.6 Remediation of Contaminated Land	This Direction applies to land on which development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines is being or is known to have been carried out.	A Preliminary Contamination Investigation prepared by Envirowest Consulting (29 July 2020) was submitted with the proposal.

	Requirement	Compliance
		<p>Envirowest found that:</p> <p><i>‘..the site was used as grazing land until the late 1980s, however aerial photographs from 1981 indicates disturbance on the site which may be stockpiles identified at the time of inspection. The topographic map, developed from aerial imagery also identifies a rubbish tip on the site.</i></p> <p><i>Soil sampling of the site indicates levels of chromium (III) that exceed adopted thresholds in one stockpile sample. The levels of all other analytes analysed in soil samples were below the required thresholds for recreational and commercial use’.</i></p> <p>Envirowest concluded that:</p> <p><i>‘..it is expected that the site can be made suitable for the proposed landuse following additional investigations, completion of remediation works and validation assessment.</i></p> <p><i>The additional investigations should be undertaken following surveying of the proposed site boundary to ensure the entire site is sampled.’</i></p> <p><i>‘A detailed investigation report should be prepared describing the results and suitability for the proposed</i></p>

	Requirement	Compliance
		<i>land-use or requirements for remediation'.</i>
3. Housing Infrastructure and Urban Development		
3.4 Integrating Land use and Transport	<p>Applies when a planning authority prepares a planning proposal that will create, alter or remove a zone, or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to an are consistent with the aims and objectives and principles of :</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). 	<p>Consistent</p> <p>The Proposal involves the inclusion of two additional permitted uses in an existing R2 Low Density Residential Zone. The Proposal does not include the alteration of an existing zone. Rather, it is site specific.</p> <p>The Proposal is consistent with the aims/objectives/principles of Improving Transport Choice – Guidelines for Planning and Development' (DUAP 2001) regarding Principle 5. Connect streets, Principle 6. Improve pedestrian access, Principle 7. Improve cycle access, Principle 8. Manage parking supply, Principle 9. Improve road management and Principle 10. Implement good urban design.</p> <p>The Proposal has been sited to utilise the Boundary Road extension.</p>
5.10 Implementation of Regional Plans	<p>This Direction applies to land to which a Regional Planning has been released by the Minister.</p> <p>This Direction requires that Planning Proposals are consistent with the Regional Plan released by the Minister for Planning.</p>	<p>Consistent</p> <p>The Proposal is consistent with the Central West and Orana Regional Plan as detailed in Section B – Relationship to the Strategic Planning Framework.</p>
Approval and Referral Requirements		

	Requirement	Compliance
6.1 Approval and Referral Requirements	The Direction is applicable when a planning proposal is prepared. A planning proposal must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority.	Consistent The proposal does not introduce new concurrence, consultation or referral requirements.
6.2 Reserving land for public purpose	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	Consistent The proposal does not impact existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	<p>A planning proposal to allow a particular development to be carried out must (A) either allow the land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	Consistent The Planning Proposal allows for two additional permitted uses on land within an existing R2 Low Density Residential zone. The proposal does not seek to introduce any additional controls beyond that already provided in Dubbo LEP 2011.

The Planning Proposal is inconsistent with the following Ministerial Directions.

Table 6: Inconsistency with S9.1 Ministerial Directions

Direction	Requirement	Compliance
3.1 Residential Zones	<p>This Direction applies when a planning authority prepares a planning proposal that will affect land within an existing residential zone.</p> <p>A planning proposal must include provisions that encourage the provision of housing that will;</p> <ul style="list-style-type: none"> • Broaden the choice of building type and locations available in the housing market, and; • Make more efficient use of existing infrastructure and services, and • Reduce the consumption of land for housing and associated urban development on the urban fringe, and • Be of good design. <p>A planning proposal must, in relation to land to which this direction applies :</p> <ol style="list-style-type: none"> a) Contain a requirement that residential development is not permitted until land is adequately serviced, and b) Not contain provisions which will reduce the permissible residential density of the land. <p>A planning proposal may be inconsistent with this direction, only if the relevant Planning Authority can satisfy the Director-General of the Department of</p>	<p>Minor Inconsistency</p> <p>The subject site is currently zoned R2 Low Density Residential in accordance with Dubbo LEP 2011.</p> <p>The Proposal retains the existing R2 Low Density Residential Zone and does not alter existing provisions of Dubbo LEP 2011 regarding permissible residential dwelling types or minimum lot size.</p> <p>The proposal also makes use of existing infrastructure provided as part of the Boundary Road extension and does not propose additional urban fringe development as it is located in an existing release area.</p> <p>It is estimated that the proposal will directly reduce the yield of the subject land release by around 38 residential lots. It is also possible that amenity issues associated with the operation of the proposed facilities may impact the residential development of land in the immediate vicinity of the site.</p> <p>It is considered that whilst the proposal will result in a reduction in the provision of land for residential development, these impacts</p>

Direction	Requirement	Compliance
	<p>Planning that the provisions of the Planning Proposal that are inconsistent are:</p> <p>(a) Justified by a strategy which:</p> <p>(i) Gives consideration to the objective of this direction, and</p> <p>(ii) Identifies the land which is the subject of the Planning Proposal, and</p> <p>(iii) Is approved by the Director-General of the Department of Planning, or</p> <p>(b) Justified by a study prepared in support of the Planning Proposal which gives consideration to the objectives of the Direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) Is of minor significance,</p>	<p>are minor. Overall the proposal provides a site of a sufficient size to optimise design and will provide supporting infrastructure for a growing residential estate.</p> <p>The subject inconsistency is considered to be of minor significance.</p>

Section C – Environmental, Social and Economic Impact

Is there any likely hood that critical habitat or threatened species, populations or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Environmental

The subject site consists of grasslands and scattered trees and has been grazed over several years. There is no known high value biodiversity or threatened species present. It is unlikely that any critical habitat or threatened ecological communities will be adversely affected by the Planning Proposal, however further assessment of any proposed vegetation removal will occur at the detailed design stage of the proposal.

It should also be noted that the site is zoned R2 Low Density Residential (Dubbo LEP 2011) and would be cleared of almost all vegetation if developed for this purpose. As such, the proposal will not involve a greater vegetation impact than would occur under the current landuse regime.

Hazards

The subject site is not identified as flood prone in accordance with the Dubbo LEP 2011 or bushfire prone in accordance with Dubbo LEP 2011 or the NSW Rural Fire Service (RFS) mapping. However, the site is covered in grasslands and as such, the proposal will be referred to the NSW RFS as part of the gateway process.

Aboriginal Heritage

An Aboriginal Due Diligence Assessment (Ozark Environmental 2020) submitted in support of the proposal did not find any potential impacts on Aboriginal objects or archaeological deposits.

The Assessment concluded that:

..there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites. However, during works if Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the Unanticipated Finds Protocol should be followed.

A scar tree is located approximately 150m to the west of the subject site. In this regard Ozark advised that:

..all contractors should be given updated location information and efforts made to avoid the site, which should be feasible given it is outside of the study area.

Ozark also advised that:

..should the parameters of the proposal extend beyond the assessed areas then further archaeological assessment may be required.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Traffic**Access**

The proposal will be located on the future extension of Boundary Road and Henty Drive which are proposed to form a roundabout intersection. Vehicle access to the future site is proposed via a single all movements vehicular access off the Henty Drive extension.

Bicycle and Pedestrian Access

The proposed Boundary Road extension south of the existing project site will deliver integrated bike lanes and pedestrian footpaths on its southern side. The Proposal also includes a pedestrian entry off the proposed Boundary Road extension.

Public Transport

It is anticipated that bus services will service the subject site as it develops in line with the Dubbo City Transportation Strategy that proposes bus services to be within 500m of new development in Dubbo.

Traffic Generation

The proponent's traffic assessment (TTM 22020) estimates that the proposal will generate in the order of 200 vph at peak hour (Saturday afternoon), approximately 100 vph at weekday pm peak hour and would have a negligible impact during weekday AM peak hour. The Assessment also found that:

Given the estimates of development generated traffic during these times are relatively low and that the access driveway is located as far from the adjacent intersection as possible, it is considered likely that the future road network will easily accommodate the development generated traffic.

Car parking

It is proposed that the 197 at grade car spaces be provided to cater for both the RSL and the recreation facility, this figure is slightly less than that required by Council's DCP according to the proposed size of the facilities, however it is considered that this be assessed at the detailed design stage of the proposal.

It is also considered appropriate that a detailed traffic impact assessment be undertaken at the development application stage.

Contamination

A Preliminary Contamination Investigation prepared by Envirowest Consulting (29 July 2020) was submitted with the proposal. The investigation found that:

..the site was used as grazing land until the late 1980s, however aerial photographs from 1981 indicates disturbance on the site which may be stockpiles identified at the time of inspection. The topographic map, developed from aerial imagery also identifies a rubbish tip on the site.

Soil sampling of the site indicates levels of chromium (III) that exceed adopted thresholds in one stockpile sample. The levels of all other analytes analysed in soil samples were below the required thresholds for recreational and commercial use.

Envirowest concluded that:

..it is expected that the site can be made suitable for the proposed landuse following additional investigations, completion of remediation works and validation assessment.

The additional investigations should be undertaken following surveying of the proposed site boundary to ensure the entire site is sampled.

Salinity and Groundwater

A salinity and groundwater assessment, prepared by Envirowest Consulting (3 August 2020) including soil sampling, desktop review, laboratory analysis and groundwater analysis was submitted in support of the proposal.

The Assessment did not identify any visual or subsurface indicators of groundwater discharge on site and concluded that infiltration would be reduced as a result of the proposal due to an increase in impervious areas, however rainfall would drain to offsite stormwater points. The investigation also found that there would be no impact on groundwater including contamination and groundwater levels from the development.

Acoustic

The Preliminary Opportunities and Constraints Noise Assessment prepared by Muller Acoustic Consulting (September 2020) found that:

The review identified that the rural nature of the locality, short separation distances between the proposal site and nearby receivers, and the nature of the proposal activities would result in a moderate to high risk of noise impacts, particularly from sports/external events and road traffic noise.

The review also notes that:

..as Keswick Estate develops it is likely that the ambient rural noise environment will evolve into a typical suburban noise environment. The review has concluded that during the construction phase of a potential registered club, there is potential that the generated noise levels may be above the relevant criteria, however as the area is currently undergoing development, construction noise may be typical for the area for the foreseeable future. It is also noted that the lots surrounding the project site are undeveloped and that many receivers would not be completed or occupied prior to construction of the facility.

During operation of a potential registered club, there is a moderate to high risk of noise impacts within the community. The risk of potential impacts would be greater during the evening and night period as a result of the more stringent period criteria. It is therefore considered that management and mitigation measures may be required to reduce the potential impacts on the community.

The management and mitigation measures will be provided in more detail in the Noise Impact Assessment report for the project.

In summary pending final layout plans for any future registered club development, the proposal site is considered suitable for rezoning to allow for the potential future development of a registered club.

Notwithstanding this advice, it is noted that the design and ongoing management measures for the proposed development will be crucial in preventing acoustic amenity impacts on surrounding residential receivers.

Has the Planning Proposal addressed any other social or economic effects?

Social

A social impact assessment (HillPDA, 21 September, 2020) submitted in support of the proposal identifies potential positive and negative impacts related to the proposed future development including:

- Higher demand for private vehicle parking
- Increased traffic on surrounding streets
- Possible noise late at night from patrons leaving the site
- Improved visual amenity
- Additional sporting and entertainment options and facilities
- Possible antisocial behaviour and public intoxication
- Alcohol related crime
- Vulnerability to alcohol and gambling
- Employment generation for the local community

Of note, HillPDA found that:

The immediate area has a low rate of alcohol related crime and there is only one other licensed premise within 1km of the site. There is also a low density of licenses when compared to the LGA.

Overall, the SIA found that the potential negative impacts of the proposal can be mitigated through Plan of Management measures at the DA stage and overall the community would benefit from the establishment of new local sports and recreational facilities.

Section D State and Commonwealth Interests

Is there adequate public infrastructure for the Planning Proposal?

Council will consult with the relevant State agencies as required by the Gateway Determination. A Civil Engineering and Servicing Report (AT&L September 2020) was submitted in support of the proposal. The report found that essential services will be available from the south-eastern frontage of the subject site as a result of the current Boundary Road extension works. Further, no approval will be granted until adequate services are available.

What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No preliminary views from State or Commonwealth agencies have been sought at this stage. A list of relevant agency consultations will be provided as part of the Gateway Determination.

Part 4 Mapping

Current Zoning

The subject lands are currently zoned R2 Low Density Residential in accordance with the Dubbo LEP 2011 (Figure 2).

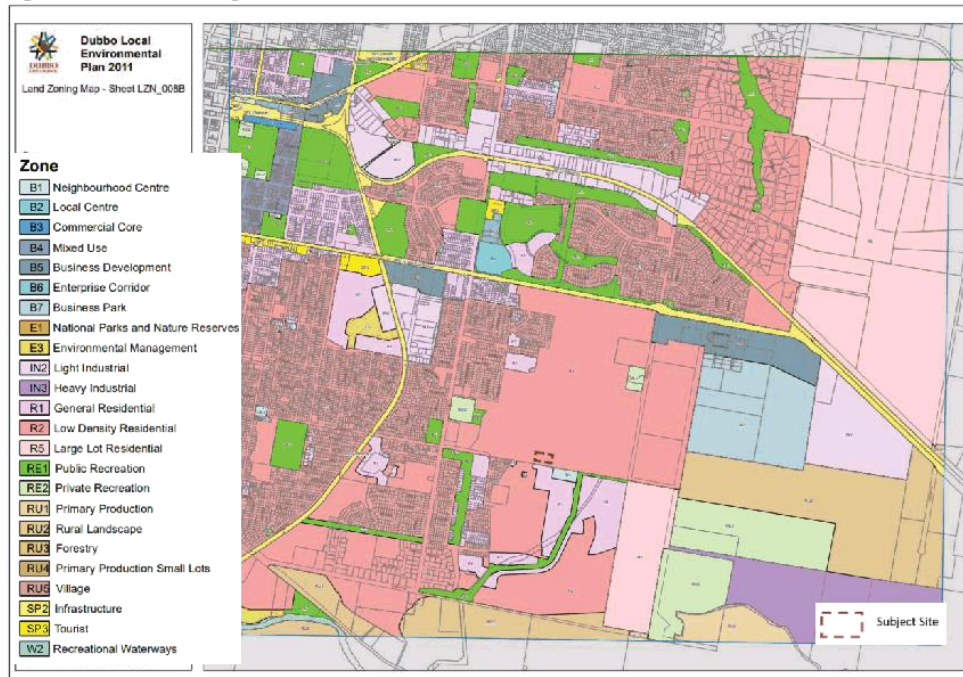
Proposed Additional Permitted Use

It is proposed to identify 'registered club' and 'recreational facility (outdoor)' as additional permitted uses on the site in Schedule 1 of the Dubbo LEP 2011 (Figure 3). The exact location of the additional permitted use will be shown on the Additional Permitted Use Map (Sheet APU_008B) referred to in Schedule 1 of the Dubbo LEP.

Minimum Lot Size

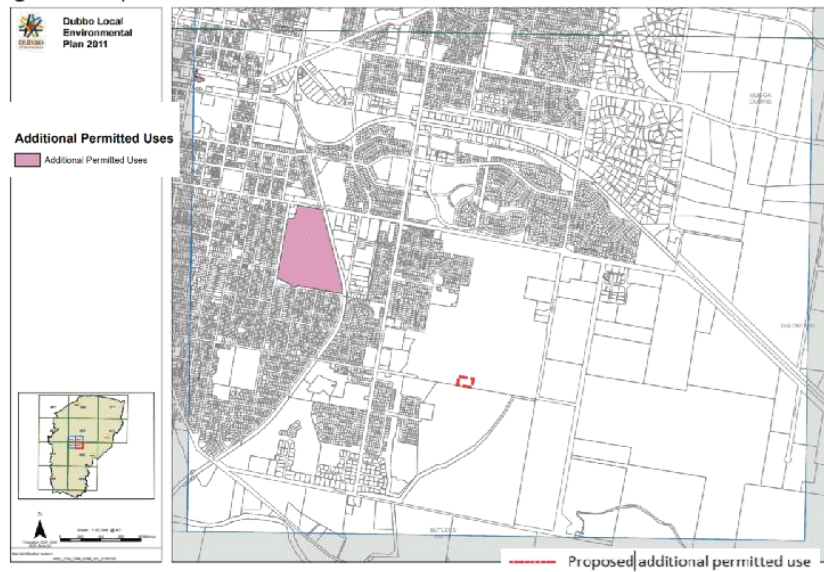
The proposed site is subject to a 600m² minimum lots size (Figure 4) in accordance with Dubbo LEP 2011. It is not proposed to change the Minimum Lot Size Map.

Figure 2. Current Zoning, Dubbo LEP 2011



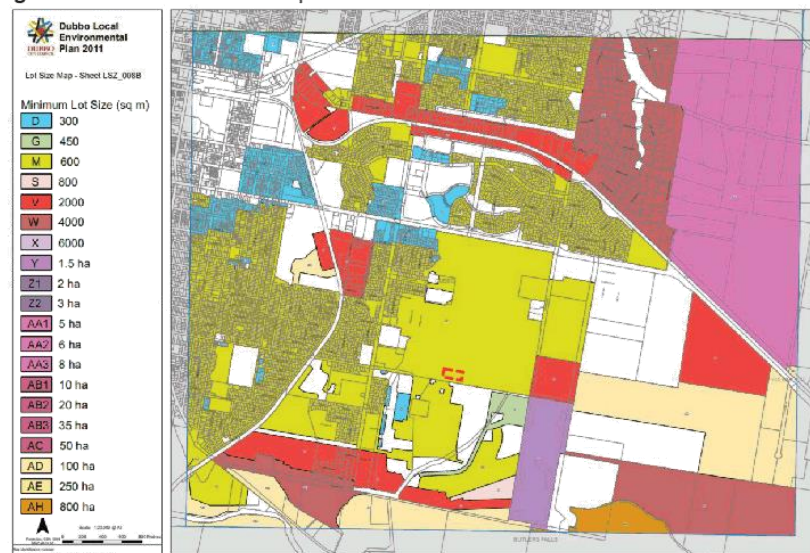
Source: Dubbo LEP 2011

Figure 3. Proposed Additional Permitted Use.



Source: Dubbo LEP 2011

Figure 4: Minimum Lot Size Map



Source: Dubbo LEP 2011

Part 5 Community Consultation

The RSL has undertaken consultation with Dubbo Regional Council, the owner of the site. Further community and agency consultation will be undertaken in accordance with the Gateway Determination.

Part 6 Project Timeline

The proposed timeline remains undetermined at this stage, however an indicative timeline is provided below:

Table 7. Project Timeline

Stage	Timing
Gateway Determination	6 weeks
Completion of additional information	4 weeks
Exhibition in accordance with the Gateway Determination	June 2021
Consideration of submissions	July 2021
Amendment to Planning Proposal if required	September 2021
Date of submission to PC (if Council has delegated authority)	October 2021
Date Plan is made	November 2021

ATTACHMENT A - State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Applicable	Relevant	Consistency
SEPP 1 – Development Standards	No	No	NA
SEPP 19 – Bushland in Urban Areas	No	No	NA
SEPP 21 – Caravan Parks	Yes	No	Yes
SEPP 33 – Hazardous and Offensive Development	Yes	No	Yes
SEPP 36 – Manufactured home estates	Yes	No	Yes
SEPP 47 – Moore Park Showground	No	No	NA
SEPP 50 – Canal Estate Development	No	No	NA
SEPP 55 – Remediation of Land	Yes	Yes	Yes
SEPP 64 – Advertising and Signage	Yes	No	Yes
SEPP 65 – Design Quality of Residential Apartment Development	Yes	No	Yes
SEPP 70 – Affordable Housing (Revised Schemes)	Yes	No	Yes
SEPP Aboriginal Land	No	No	NA
SEPP Activation Precincts	No	No	NA
SEPP Affordable Rental Housing	Yes	No	Yes
SEPP Building Sustainability Index: BASIX	Yes	No	Yes
SEPP Coastal Management	No	No	NA
SEPP Concurrences	Yes	No	Yes
SEPP Education Establishments and Child Care Facilities	Yes	No	Yes
SEPP Exempt and Complying Development	Yes	No	Yes
SEPP Gosford City Centre	No	No	NA
SEPP Housing for Seniors or People with a Disability	Yes	No	Yes
SEPP Infrastructure	Yes	No	Yes
SEPP Koala habitat protection	No	No	NA
SEPP Kosciuszko National Park – Alpine Resorts	No	No	NA
SEPP Kurnell Peninsula	No	No	NA
SEPP Mining, petroleum Production and Extractive Industries	Yes	No	Yes

State Environmental Planning Policy (SEPP)	Applicable	Relevant	Consistency
SEPP Miscellaneous Consent Provisions	No	No	No
SEPP Penrith Lakes Scheme	No	No	NA
SEPP Primary Production and Rural Development	Yes	No	Yes
SEPP State and Regional Development	Yes	No	Yes
SEPP State Significant Precincts	No	No	NA
SEPP Sydney Drinking Water Catchment	No	No	NA
SEPP Sydney Region Growth Centres	No	No	NA
SEPP Three Ports	No	No	NA
SEPP Urban Renewal	No	No	NA
SEPP Vegetation in Non-Rural Areas	Yes	Yes	Yes
SEPP Western Sydney Employment Area	No	No	NA
SEPP Western Sydney Parklands	No	No	NA

ATTACHMENT B - Ministerial Directions

S9.1 Direction	Applicable	Consistent
1.1 Business and Industrial Zones	No	Yes
1.2 Rural Zones	No	NA
1.3 Mining, Petroleum Production and Extractive Industries	No	NA
1.4 Oyster Aquaculture	No	NA
1.5 Rural Lands	No	NA
2.1 Environment Protection Zones	No	NA
2.2 Coastal Management	No	NA
2.3 Heritage Conservation	Yes	Yes
2.4 Recreation Vehicle Areas	No	NA
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	NA
2.6 Remediation of Contaminated Land	Yes	Yes
3.1 Residential Zones	Yes	Minor Inconsistency
3.2 Caravan Parks and Manufactured Home Estates	No	NA
3.3 Home Occupations	No	NA
3.4 Integrating Land Use and Transport	Yes	Yes
3.5 Development near Regulated Airports and Defence Airfields	No	NA
3.6 Shooting Ranges	No	NA
3.7 Reduction in non-hosted short term rental accommodation period	No	NA
4.1 Acid Sulfate Soils	No	NA
4.2 Mine Subsidence and Unstable Land	No	NA
4.3 Flood Prone Land	No	NA
4.4 Planning for Bushfire Protection	No	NA
5.1 Implementation of Regional Strategies	No	NA
5.2 Sydney Drinking Water Catchment	No	NA

S9.1 Direction	Applicable	Consistent
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	NA
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	No	NA
5.5 – 5.8	Revoked	Revoked
5.9 North West Rail Link Corridor Strategy	No	NA
5.10 Implementation of Regional Plans	Yes	Yes
5.11 Development of Aboriginal Land Council land	No	NA
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	Yes	Yes
6.3 Site Specific Provisions	Yes	Yes
7 Metropolitan Planning	No	NA



49 Cherry Road
ELEEBANA NSW 2282
ph: 0413 052 137
dcrofts@strategyhunter.com.au

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

Peer Review: Planning Proposal R20 - 4 Part Lot 500 DP 1260295 Boundary Road, Dubbo

Dear Mr McMahon,

I have undertaken a peer review of the attached Planning Proposal on request of Council (document titled Council PP Mar 2021 Final).

My view is that the attached Planning Proposal prepared by Council officers, supplemented by the associated studies and documentation submitted by the applicant, meets the requirements of the Department of Planning, Industry and the Environment, including those outlined the Department of Planning and Environment publication 'A Guide to Preparing Planning Proposals', sufficient for progression to a Gateway assessment.

I note that the studies undertaken identify further investigations and action would need to be undertaken on land contamination, native vegetation, and urban amenity (particularly acoustic impacts), amongst other matters, at the Development Application stage, should the proposal proceed.

I do not have any vested interest in the property or the outcome of the Planning Proposal. I am not a member of Dubbo RSL.

Please do not hesitate to contact if you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Crofts'.

David Crofts

FAICD, MPA, BSc (Hons), Grad Dip Urban and Regional Planning (merit), Grad Dip Local Government Management.

3 March 2021



REPORT: Dubbo-Ballina Flight

AUTHOR: Manager Dubbo City Regional Airport
REPORT DATE: 25 February 2021
TRIM REFERENCE: ID21/283

EXECUTIVE SUMMARY

Dubbo Regional Council (DRC), Ballina Shire Council and FlyPelican collaborated to trial a new air route within regional New South Wales, at a time when the airline industry was decimated. The new Dubbo-Ballina route commenced operations on Friday, 28 August 2020. With a catastrophic decline in passenger numbers as a result of COVID-19, staff set about defining the opportunity to support activation of the airport and ensuring it was promoted as an innovative collaborative approach by all three parties.

Working together the Dubbo-Ballina/Byron route provided increased connectivity between two beautiful destinations with great nature-based, open air experiences or the exploring of rainforests and beaches as anchor products.

The Dubbo-Ballina flight trial concluded 31 January 2021 and surpassed all expectations. . Load factors have averaged 71.5% over the past four months of full operation, with a third service added at the request of FlyPelican on 20 October 2020. Route directionality was well balanced, with the inbound and outbound passengers being approximately 50/50.

Dubbo City Regional Airport staff surveyed passengers utilising the service to identify satisfaction and value to the local economy. Surveys indicated visitors to the region stayed an average eight nights over the four month trial period. The economic impact to the Region of this trial is an estimated \$1,297,000 in overall financial contribution (including the flow on multiplier effects) and an estimated retention or creation of six full time equivalent jobs.

FlyPelican continue to offer a five day a week service to Ballina Bryon Gateway Airport, with the landing fee waiver as per Council's 2020/2021 Revenue Policy.

FINANCIAL IMPLICATIONS

The flight trail was support by:

- A passenger fee subsidy in line with adopted revenue policy that supports new route development.
- A low-risk safety net shared between Dubbo Regional Council and Ballina Shire Council which was based on the airline's direct operational costs only.

The success of the trial resulted in no requirement for additional financial support from Council.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the report from the Manager Dubbo City Regional Airport, dated 25 February 2021, be noted.**
- 2. That the Mayor of the Dubbo Region, Councillor Ben Shields, provide a letter of thanks to the Mayor of Ballina Shire Council and Chief Executive Officer FlyPelican.**

Jacki Parish

Manager Dubbo City Regional Airport

REPORT

Dubbo City Regional Airport and Ballina Gateway Airport in collaboration with FlyPelican embarked on a direct destination flight trial to support the 'Holiday at Home' sentiment in line with COVID-19 impacts on state borders and international destinations. By leveraging two strong tourism destinations, it was proposed that the trial would deliver visitation to and from Dubbo via the fly market and provide a valuable opportunity to increase visitor spend and positive regional promotion.

The partnered approach was developed in consideration of research, scheduling and pricing, with the trial results being reported back to Council, Federal Government and industry stakeholders. In a period of uncertainty, the development of the Dubbo-Ballina service provided a platform for innovation, stimulus and opportunity for the partnering councils and airline to examine whether the route would be sustainable, viable and supported by the community into the future.

The COVID-19 environment delivered a surge in interest for regional travel, and research showed that Australians were, and still are, keen to ensure ongoing and safe leisure travel within Australia.

With a catastrophic decline in passenger numbers, Dubbo City Regional Airport set about defining the detail and ensuring it was promoted as an innovative collaborative approach by all three parties.

Working together the Dubbo-Ballina/Byron route provided increased connectivity between two beautiful destinations with great nature-based, open air experiences or the exploring of rainforests and beaches as anchor products.

Dubbo Regional Council and Ballina Shire Council agreed to waiver landing fees and an equal contribution towards \$16,000 in marketing activities. Airfares started at \$149 one way during the trial phase. This attractive pricing combined with the convenience of a 90 minute flight, rather than a nine hour drive, provided an attractive getaway option for holidaymakers and the visiting friends and family market.

A Destination Dubbo marketing plan was developed and implemented to support the Ballina-Dubbo direct flight route and concluded in January 2021. The marketing plan included multiple channels, executed within an \$8,000 budget (Dubbo Regional Council (DRC) portion of \$16,000).

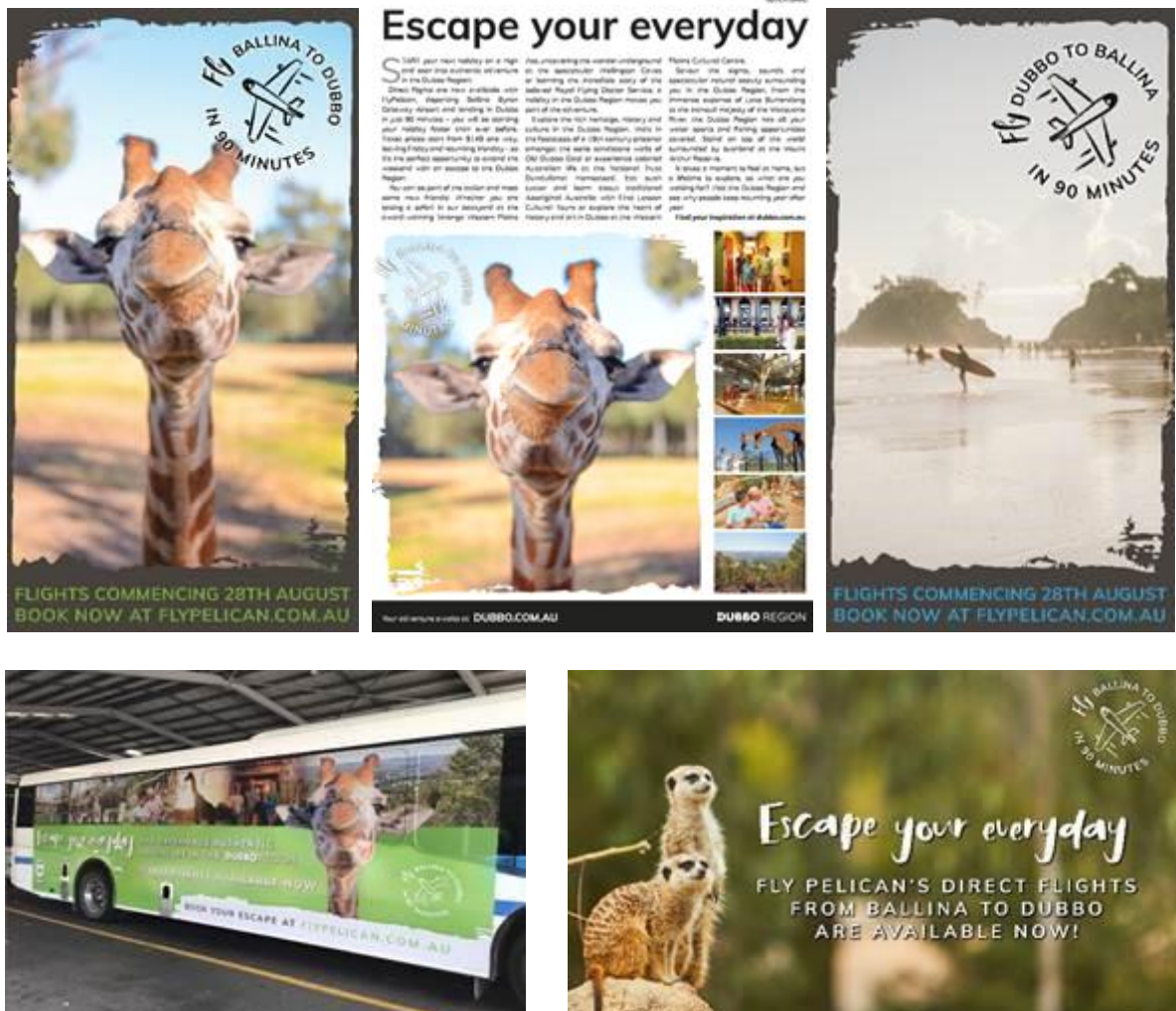
Marketing included:

- Sponsored and organic social media marketing geo-targeting the Northern Rivers Region;
- Cinema advertising in Ballina;
- Sponsored and geo-targeted YouTube advertisements;
- A bus skin on road for seven weeks in Ballina; and
- Print promotion in the Byron Bay Echo

The 12 week campaign achieved great results, with an estimated 137,524 impressions across all media.

Youtube video - <https://youtu.be/5Xu7br2Zu7A>.

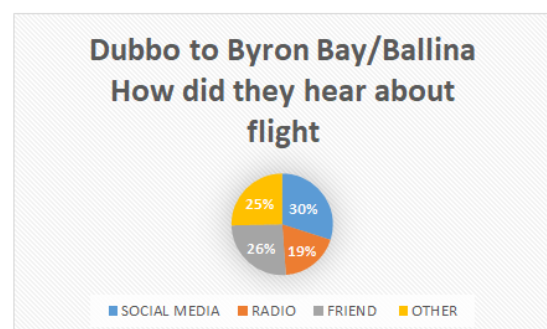
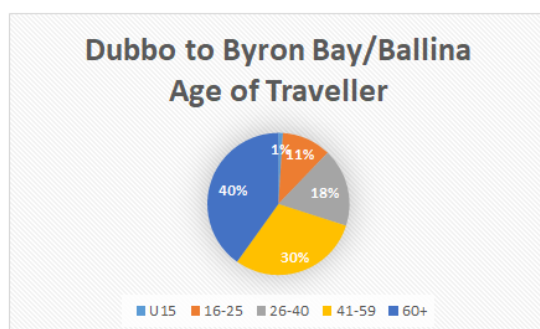
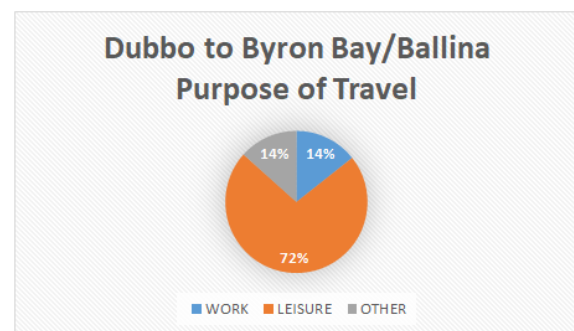
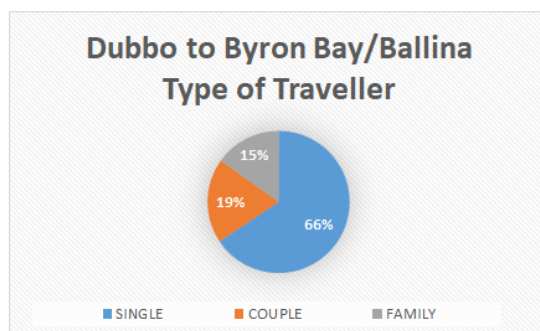
Examples of the marketing campaign are shown below:



The Dubbo-Ballina flight trial surpassed all expectations. A third service was added at the request of FlyPelican on 20 October 2020. Load factors have averaged 73% over the past four months of full operation. Route directionality was well balanced, with the inbound route accounting for 882 passengers or 50% of total since commencement; 881 passengers flew on the outbound route over the same period.

Dubbo City Regional Airport staff surveyed 203 passengers traveling to and from Dubbo to gain valuable feedback and data regarding the service and who was utilising it. Information gathered included residential postcodes, gender, age, purpose of journey, how did they hear about the flight and the number of days they stayed in each destination. Information collected was openly shared between all partners. The data provided a strong level of confidence in the service for the airline, and has fostered the commitment to continue to the service beyond the trial period.

Summary of Survey Data (All Passengers Dubbo-Ballina-Dubbo), the Survey and Airport Terminal Marketing Banner





DUBBO - BALLINA/BYRON SURVEY

1. Your Postcode: _____

2. Single Couple Family

3. Age: U15 16-25 26-40 41-59 60+

4. Purpose of Journey:
Work Pleasure Other _____

5. Days Away? _____ days

6. How did you hear about this flight service?
Social Media Radio Friend
Other _____

7. Were you able to book on your preferred travel date? Yes No

8. Like to be notified if the trial continues or if another destination is introduced? Yes No

Any Comments: _____

Email: _____

Thankyou

DUBBO CITY REGIONAL AIRPORT

WEEKEND GETAWAY
OR A WEEK LONG HOLIDAY!
DUBBO - BALLINA / BYRON - DUBBO

WEEKLY FLIGHTS DEPARTING FRIDAYS
AND RETURNING HOME MONDAYS

90 MINUTES
AND YOU ARE THERE

flypelican.com.au

FARES FROM \$149 EACH WAY

AN INITIATIVE OF

SUMMARY

Initial “return on investment” economic modelling projected that 240 passengers would visit Dubbo over the three month period, staying an average of two nights spending an average of \$211 per night. (*Tourism Research Australia Data*) This was estimated to return an economic benefit in the vicinity of \$163,000 to the region whilst supporting two to four full time jobs.

Based on the survey results, the economic value to the economy has been significant with visitors to the region staying an average eight nights over the four month period. The economic impact to the Region of this trial is an estimated \$1,297,000 in overall financial contribution (including the flow on multiplier effects) and an estimated retention or creation of six full time equivalent jobs



REPORT: Investment Policy and Strategy Review - 2021

AUTHOR: Chief Financial Officer
REPORT DATE: 8 March 2021
TRIM REFERENCE: ID21/234

EXECUTIVE SUMMARY

This report presents the revised Investment Policy and Investment Strategy for 2021 with these documents attached to this report as **Appendix 1 and Appendix 2**.

The Investment Policy and Strategy are reviewed annually, as a minimum, to ensure that they remain appropriate given changes to the economic, investment and legislative environments. The annual review of the Investment Policy and Strategy, together with the proactive management of the portfolio has resulted in a secure investment portfolio that consistently outperforms benchmark returns.

The scope and type of Council's investments are mandated under the Local Government Act 1993, through a Ministerial Investment Order, that constrains Council investments to deposits and/or bonds in Federal, State (including NSW TCorp) or Local Governments and with banks that are Approved Deposit Taking Institutions under the Banking Act.

The revised Investment Policy has been updated and the layout reviewed to clearly outline the internal controls that will ensure adequate governance and allow transparent and clear performance measurement for the management of Council's cash and investment portfolio.

The Investment Strategy outlines Council's investment intentions in light of the current economic, investment and legislative environments. The focus is on the investment opportunities available to Council, guiding investments to be maintained in the coming 12 months and the investment of new funds. The Strategy aims to accomplish a balanced and diversified portfolio in terms of investment products, credit ratings and term to maturity to ensure sufficient liquidity will be available as funds are required.

FINANCIAL IMPLICATIONS

Income from interest on investments has been incorporated within the 2020/2021 Operational Plan and future budgets.

POLICY IMPLICATIONS

Once adopted the attached draft Investment Policy will become a Policy of Council.

RECOMMENDATION

- 1. That the draft Investment Policy March 2021 and the draft Investment Strategy March 2021 attached to this report of the Chief Financial Officer, dated 8 March 2021 as Appendix 1 and Appendix 2, be adopted.**
- 2. That Council's Investment Policy and Investment Strategy be again reviewed and submitted to Council for determination in March 2022.**

Michael Howlett
Chief Financial Officer

BACKGROUND

Council, at its meeting held 23 March 2020, resolved as follows:

- “1. That the draft Investment Policy March 2020 and the draft Investment Strategy March 2020 attached to this report of the Chief Financial Officer dated 9 March 2020 as Appendix 1 and Appendix 2 be adopted.*
- 2. That Council’s Investment Policy and Investment Strategy be again reviewed and submitted to Council for determination in March 2021.”*

REPORT

The Investment Policy and Strategy documents have been reviewed in consultation with Councils investment advisors Laminar Capital Pty Ltd.

The Investment Policy and Strategy are reviewed annually, as a minimum, to ensure that they remain appropriate given changes to the economic, investment and legislative environments. The annual review of the Investment Policy and Strategy, together with the proactive management of the portfolio, has resulted in a secure investment portfolio that consistently outperforms the benchmark returns detailed within the Policy.

Council’s Investment Policy establishes the framework within which investment principles are applied to the investment of Council funds. The Policy provides overarching direction, objectives, the Legislative framework, criteria for Council investments and how Council will maintain internal controls as follows:

- financial planning and cash-flow management;
- delegated authorities and investment approval;
- measurement of investment performance;
- performance benchmarks;
- reporting and review; and
- audit oversight.

These internal controls will ensure adequate governance and allow transparent and clear performance measurement for the management of Council’s cash and investment portfolio.

The Investment Strategy outlines Council’s investment intentions in light of the current economic, investment and legislative environments. The focus is on the investment opportunities available to Council, guiding investments to be maintained in the coming 12 months and the investment of new funds. The Strategy aims to accomplish a balanced and diversified portfolio in terms of investment products, credit ratings and term to maturity to ensure sufficient liquidity will be available as funds are required.

As required within Council’s Investment Policy monthly reporting to Council is provided detailing the current investment portfolio, returns to date and holdings by maturity.

Council will continue to explore opportunities for supporting environmentally and socially responsible investments. Council will continue to encourage and give preference to these investments, where they comply with the Ministerial Investment Order and satisfy Council's Policy and investment objectives.

Council's current compliance rating is outlined below:

S&P Long Term	S&P Short Term	Portfolio Limit	Counterparty Limit	Max Term
TCorp	A-1+	100%	100%	N/A
AAA	A-1+	100%	100%	N/A
AA+ to AA-	A-1+	100%	100%	5 years
A+ to A	A-1	100%	30%	5 years
A-	A-2	40%	20%	3 years
BBB+	A-2	30%*	10%	3 years
BBB	A-3		5%	12 months
BBB- & below – local ADIs	A-3 & below – local ADIs	5%	5%	12 months
BBB- & below - other	A- & below - other		\$250k	12 months

The compliance rating is proposed to be updated to:

Investment Class	Portfolio Limits	Counterparty Limit	Max Term
TCorp	100%	100%	N/A
AAA Rated	100%	100%	N/A
AA+ to AA- Rated including the 4 major banks	100%	40%	5 years
A+ to A- Rated	60%	35%	5 years
BBB+ to BBB- Rated	35%	15%	5 years
Unrated	10%	5%	12 months
Unrated – Local ADI	5%	5%	12 months



Council's current investment portfolio will remain compliant with the new structure.

The current investment limit parameters were aligned to Tcorp's investment guidelines which are very restrictive and therefore reduce the opportunity to maximise investment returns for Council. Tcorp have strict investment guidelines for any NSW local council that has, or is intending to, borrow funds from Tcorp. Council does not currently have any Tcorp borrowing and does not intend on borrowing funds from Tcorp in the short term. Therefore it is proposed that Council replace the Tcorp restricted limits with APRA's standard being Standard and Poor's (or equivalent Moodys or Fitch). These recommended investment limits will align Council with majority of NSW councils and councils Australia wide (besides those councils that have borrowed funds from Tcorp). These new limits will ensure Council maximises investment returns whilst ensuring that the risk approach remains prudent and within the NSW local government investment guidelines.

SUMMARY

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

Appendices:

- 1  Council Policy - Investment Policy - March 2021 - Draft
- 2  Council Policy - Investment Strategy - March 2021 - Draft



COUNCIL POLICY

INVESTMENT POLICY

Date

Council Resolution Date 22 March 2021

Clause Number

Responsible Position Chief Financial Officer
Branch Financial Operations
Division Organisational Performance

Version

TRIM Reference Number

Review Period Annually (or when a change in either regulation or market conditions necessitate a review)

Review Date

Next Review Date March 2022

Consultation

Document Revision History	
Description	Date
Notes	

POLICY

Purpose

The Policy provides a framework for the optimum investment of Council's funds. While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return on investment. Council therefore has several primary objectives for its investment portfolio:

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

In addition, Council may nominate, and take account of, secondary objectives that are to the benefit of the community's broader interests. These can include:

- Environmental, social and governance (ESG) or similar responsible investment and impact objectives.
- Adhering to investment conditions of concessional loans from the State government.

BACKGROUND AND RELATED LEGISLATION

All investments are to comply with the following:

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

Council's Investment Strategy will run in conjunction with this Investment Policy.

SCOPE

This Policy has been prepared to recognise the legislative requirements and obligations for the investment of Council's funds.

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

This document replaces any previous Investment Policy document adopted by Council. This Investment Policy will be reviewed at least annually in March each year, or when a change in either regulation or market conditions necessitate a review.

DEFINITIONS

Refer to Appendix 1.

POLICY

Policy statement

Council's investment objective is to ensure funds that are surplus to Council's immediate requirements are invested within acceptable risk parameters to optimise interest income and the community's best interests, while ensuring the security of these funds.

Investment governance

The following internal control practices are in place to ensure adequate governance and allow transparent and clear performance measurement for the management of Council's cash and investment portfolio:

- financial planning and cash-flow management;
- delegated authorities and investment approval;
- measurement of investment performance;
- performance benchmarks;
- reporting and review; and
- audit oversight.

These internal control practices are explained in more detail below.

Financial planning and cash-flow management

Funds that are surplus to Council's immediate cash requirements will be managed in accordance with the long, medium and short-term financial cash requirements.

Long term financial plans are developed to ensure the long-term financial sustainability of Dubbo Regional Council. These plans will incorporate forecasts of cash inflows and outflows to:

- estimate cash surpluses and shortages in future periods
- identify the longer and medium term investment horizon for surplus funds.

Shorter term financial plans are used to predict funds availability and monitor the Council's cash management needs throughout the year. These cash flow models are monitored daily to facilitate informed investment decisions and to ensure that sufficient liquidity exists to satisfy Council's financial commitments.

Delegated authorities and investment responsibilities

Authorities and investment responsibilities are defined within Council's Delegation Authority register. Authority for the implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1993*.

The Chief Executive Officer has also delegated authority to invest surplus funds as follows:

- Director Organisational Performance (DOP);
- Chief Financial Officer (CFO);
- other senior financial officers who have the requisite skills to undertake investment functions (as per the Delegations Register).

Officers with delegated authority are required to acknowledge they have received a copy of this Policy and understand their obligations in this role.

Investment responsibilities

Council's Revenue Section prepares investment recommendations in accordance with this Policy and the Investment Strategy. To achieve the best value for Council's investments, recommendations will consider:

- credit risk;
- forecast cash requirements;
- alternative investments with comparable risk;
- liquidity and maturity profiles.

Where investing directly, Council shall demonstrate reasonable endeavours to ensure best execution, having regard to competing rates. Council will have regard to:

- the range of ADIs of acceptable quality;
- sources of deposits (treasury department direct, brokers, retail rates, branches, etc.) and tradeable securities (brokers, primary issuance);
- relative value at various terms;
- the character and competing merits of managed funds (TCorpIM) and direct investments;

Two authorised signatories, with appropriate delegation limits, must approve each investment recommendation. Recommendations must be retained on file as a permanent record.

Cash - Council retains funds for daily operational payment needs in a combination of a cheque account and sweep account. A sweep facility manages savings and day-to-day spending money by automating transfers between linked transaction and savings accounts. Council sets a lower and upper limit for its transaction account balance. A sweep facility automatically moves money from higher interest saver accounts to maintain a minimum transaction account balance. At the upper limit, money is automatically transferred to savings.

Ethics and Conflicts of Interest - Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. Officers must disclose any conflict of interest to the Chief Executive Officer. Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments.

Measurement of investment performance

Investment performance includes both interest returns and any change in the underlying capital value of the investments.

Interim fluctuations of capital value are excluded from the monthly measurement of investment performance on the basis that:

- fixed investments have no mechanism for realising gains prior to maturity, and tradeable securities are held on a multi-year perspective – not actively traded;
- there is no certainty that these returns will be realised, until the point of maturity or sale of the asset and so they should not be spent;
- cash liquidity requirements are structured and managed to ensure that Council is not in a financial position that will require a forced sale of these assets.

Notwithstanding the above position, changes in capital value are relevant and the monthly investment report will therefore provide Council with indicative market valuations of each investment. In the event that the capital value of any investment becomes permanently impaired, or a capital loss or gain is actually realised (through disposal), the loss or gain of value will be recognised within that month's financial accounts.

Performance benchmarks

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

It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark whilst taking into account its risks, liquidity and other benefits. Council will take due steps to ensure that any investment is executed at the best pricing reasonably possible.

Investment	Performance Benchmark	Time Horizon
Funds held in overnight accounts - 11 am Account including TCorpIM Cash Fund, Cash Management Accounts.	AusBond Bank Bill Index (BBI)	3 months or less
Short dated bills, Term Deposits of appropriate remaining term, FRNs nearing maturity, TCorpIM Short Term Income.		3 months to 12 months
Term Deposits, FRNs with a maturity date between 1 and 2 Years.		1 to 2 years
FRNs, Bonds, Term deposits with a maturity date between 2 and 5 Years.		2 to 5 Years
TCorpIM Managed Funds (Diversified or growth assets).	Fund's Internal Benchmark	3 Years (M/T Growth) 5+ Years (L/T Growth or other Growth)

Grandfathered investments are allocated to the appropriate horizon based on expected or average exit date and should be taken into account when allocating the rest of the portfolio. The decision on when to exit such investments are based on a range of criteria specific to the investments – including but not limited to factors such as:

- Returns expected over the remaining term;
- Fair values;
- Competing investment opportunities;
- Costs of holding;
- Liquidity and transaction costs;
- Outlook for future investment values; and
- Risk of defaulting payment.

In general, it is expected that professional advice will be sought before transacting in “grandfathered” investments. This Policy does not presume disposal; however, the removal of an asset from the Minister’s Order would warrant a review of its suitability for retention.

Reporting and Review

Council will maintain a separate record of money it has invested under section 625 of the *Local Government Act 1993*, in accordance with the criteria defined by the *Local Government Code of Accounting Practice and Financial Reporting*.

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

In accordance with the *Local Government Code of Accounting Practice & Financial Reporting*, Council will undertake at least an annual review of its Investment Policy and Investment Strategy.

If there are any significant changes to the Act, regulations, issued guidelines, or if the market changes to a degree that warrants an earlier examination, the Policy and/or Strategy will be reviewed and brought back to Council for its consideration.

Audit oversight

Council's external auditors will review Council's investments as part of the Annual Financial Reports. This includes seeking independent certification from the relevant financial institutions (banks, fund managers, etc.) to confirm the balance of investments held on Council's behalf at the end of the financial year, and the adequacy of their internal control procedures.

Council's Internal Audit unit will also periodically review the adequacy of the Investment Policy, Strategy and management's internal controls as part of the internal audit program.

Investment criteria

This section sets out the criteria for investments to be considered for inclusion within Council's portfolio. In particular, it defines the mandatory investment criteria which all investments must satisfy.

Current investment regulations require Councils to invest with governments, NSW Treasury Corporation (NSW TCorp and NSW TCorpIM) or in specified investments with Approved Deposit-taking Institutions (ADI) such as Australian banks or branches of foreign owned banks, credit unions and/or building societies as it acknowledges the additional assurance that arises from their regulation by the Australian Prudential Regulation Authority (APRA).

Mandatory investment criteria

Scope

Investments must comply with legislative authorities.

Currency

Investments must be denominated in Australian Dollars.

Ownership

Investments must be held in the name of Dubbo Regional Council. This includes beneficial ownership, where invested through a custodian.

Credit rating

Direct investments beyond government guaranteed deposits must have a credit rating, with the exception of a permitted allocation to a local financial institutions that are unrated as per the investment limit table.

The credit rating structure of individual investments and the total portfolio must comply with the maximum tenor as listed in the following table, which also applies differential tenor limits by rating:

Investment Class	Portfolio Limits	Counterparty Limit	Max Term
TCorp	100%	100%	N/A
AAA Rated	100%	100%	N/A
AA+ to AA- Rated including the 4 major banks	100%	40%	5 years
A+ to A- Rated	60%	35%	5 years
BBB+ to BBB- Rated	35%	15%	5 years
Unrated	10%	5%	12 months
Unrated – Local ADI	5%	5%	12 months

Standard & Poor's (or equivalent Moodys or Fitch) ratings attributed to each individual institution will be used to determine maximum holdings.

In the event of disagreement between two agencies as to the rating band ("split ratings") Council shall use the lower of the ratings. Where more than two ratings exist, Council shall discard the lowest rating and then use the lower of the higher two ratings when assessing new purchases.

Credit ratings can apply to either, products and institutions. However, this Policy requires the rating applicable to the institution responsible for the product (e.g. guarantor) to be taken as the relevant rating given this represents the underlying risk to Council. Rating criteria use the best applicable guide where an investment is not explicitly rated. For example, the TCorpIM fixed interest funds are assessed based on the underlying investment mix. In some ADIs (such as Rabobank Australia) a rating is only held by a parent institution.

Notes:

- Credit ratings must be monitored regularly by Finance staff to ensure ongoing compliance. Investments with credit ratings downgraded to an extent that they no longer comply will be divested as soon as practicable, in accordance with grandfathering under this Policy.
- Credit risk investment parameters are based on credit rating bands as published by the Standard and Poor's credit rating agency. If not rated by S&P, Moody's or Fitch Ratings may be used instead.

Risk Management Guidelines

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

- ***Preservation of Capital*** – the requirement for preventing losses in an investment portfolio's total value;
- ***Credit Risk*** – The risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment;
- ***Diversification*** – the requirement to place investments in a broad range of products

so as not to be over exposed to a particular sector of the investment market;

- **Liquidity Risk** – the risk that Council is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans) either through investment in fixed term products, products with long redemption periods, or failure of the counterparty of honour intended liquidity terms;
- **Market Risk** – the risk that fair value or future cash flows will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investment's return;
- **Legal Risk** – inability to enforce a contract, resulting in loss;
- **Fidelity Risk** – inadequate procedures and controls, resulting in fraud by internal or external parties;
- **Maturity Risk** – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities; and
- **Rollover Risk** – the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future.

Safe Custody Arrangements

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

- Council must retain beneficial ownership of all investments;
- Adequate documentation is provided, verifying the existence of the investments at inception, in regular statements and for audit;
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems; and
- The Institution or Custodian recording and holding the assets will be:
 - The Custodian nominated by NSW TCorp for TCorpIM Funds;
 - Austraclear;
 - An institution with an investment grade Standard and Poor's, Moody's or Fitch rating; or
 - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

Investment Horizon Limits

Council's investment portfolio shall be structured around the time horizon of investment to ensure that liquidity and income requirements are met. "Horizon" represents the intended minimum term of the investment, which can be designated as shorter than the legal maturity in case of an expectation of earlier call or the intention to sell the investment. (Such a designation may have accounting implications which must be taken into account.)

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk method of obtaining additional return as well as reducing the

risks to Council's income. However, Council always retains the flexibility to invest as short as required by cashflow requirements or the economic outlook.

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

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

In addition to the term limits of investments based on rating (above), the aggregate portfolio should comply with the following:

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

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

Environmentally and Socially Responsible Investments

Council will consider the purpose of an investment opportunity in terms of environmental and social outcomes when investing funds where the investment return is favourable relative to alternate investment opportunities.

Subject to compliance with legislation and Investment Policy objectives and parameters, Council will consider investment securities and financial institutions that meet our environmentally and socially responsible investments (ESRI) criteria. ESRI status may be in respect of the individual investment, the issuer of the investment, or both and should be endorsed by an accredited environmentally and socially responsible industry body or institution.

Environmentally and socially responsible investments will be assessed on the same basis as other investment opportunities and the Council will select the investment that best meets its overall investment selection criteria.

The Council's criteria relating to an ESRI are those which:

- Direct investment towards the socially and environmentally productive activities listed below;
- Avoid investment in the socially and environmentally harmful activities listed below. The criteria for ESRI are all preferred and not mandatory requirements.

Environmentally productive activities are considered to be:

- Resource efficiency-especially water and energy;
- Renewable energy;
- Production of environmentally friendly products;
- Recycling, and waste and emissions reduction.

Socially productive activities are considered to be:

- Fair trade and provision of a living wage;
- Human health and aged care;
- Equal opportunity employers, and those that support the values of communities, indigenous peoples and minorities;
- Provision of housing, especially affordable housing.

Environmentally harmful activities are considered to be:

- Production of pollutants, toxins and greenhouse gases (coal, oil and gas);
- Habitat destruction, especially destruction of forests and marine eco-systems;
- Nuclear power;
- Uranium mining.

Socially harmful activities are considered to be:

- Abuse of Human Rights and Labour Rights;
- Involvement in bribery/corruption;
- Production or supply of armaments;
- Manufacture of alcohol, tobacco or gambling products.

Council will advocate for the further development of ESRI options through engagement with financial institutions.

Investment Advisor

The Council's investment advisor is appointed by the Chief Executive Officer and must operate under a licence issued by the Australian Securities and Investment Commission. The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and are free to choose the most appropriate product within the terms and conditions of the Investment Policy. 'Independence' includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed, unless such remuneration is rebated 100% to Council, promptly. Council will make all decisions in relation to the placement of investments as described in the below table shown as. **Appendix 1**

Appendix 1	
Term	Definition
Act	<i>Local Government Act 1993</i>
ADI	Authorised Deposit-Taking Institutions (ADIs) are corporations that are authorised under the Banking Act 1959 (Commonwealth) to take deposits from customers.
AusBond BBI	The Bank Bill Index represents the performance of a notional rolling parcel of bills averaging 45 days and is the widely used benchmark for local councils and other institutional cash investments.
Bill of Exchange	A Bill of Exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer. These can be underwritten by banks, to become "bank bills" on which the benchmark return is calculated.
BBSW	The Bank Bill Swap reference rate (BBSW) is the midpoint of the nationally observed best bid and offer for AFMA Prime Bank eligible securities. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
Chief Executive Officer	Refers to the statutory executive of the Council as defined in section 335 of the Act, including where on an Interim or Acting basis, and under any alternative titles.
Council Funds	Monies that are invested by Council in accordance with section 625 of the Act.
Debenture	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.
FRN	A Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.
TCorp	New South Wales Treasury Corporation (NSW TCorp) including the TCorp Investment Management arm which manages the TCorpIM funds (formerly Hour-glass).

Appendix 2



Investment
Strategy

March

2021

Investment Strategy

Purpose

The annual Investment Strategy sets out Council's investment goals and targets for the coming year. The aim of the strategy is to guide the management of Council's investment portfolio over the short to medium term to:

- achieve a balanced and diversified portfolio, in terms of allowable investment products, credit ratings and maturation terms that will outperform the benchmark indices; and
- ensure liquidity when required for Council's operational and capital expenditure needs.

This strategy has been prepared in consultation with Council's investment advisor, Laminar Capital Pty Ltd.

Scope

The *Investment Strategy* applies to all managers and employees who actively manage investments or have responsibility for employees who actively manage investments.

This strategy should be read in conjunction with Council's *Investment Policy*.

Effective Date

This document replaces any previous Strategy document approved by Council.

The effective date of this Strategy is 22 March 2021 and will be reviewed in March each year or when a change in either regulation or market conditions necessitates a review.

Context

Council's investment strategy is determined after taking into consideration a review of the following issues:

- global and domestic economic investment environments;
- investment policy and legislative constraints;
- current composition of Council's investment portfolio;
- long, medium and short term financial plans.

Global and domestic investment environments

Globally, COVID 19 has resulted in a significant economic fall in 2020. As the global pandemic is forecast to reduce in 2021 because of more effective containment through restrictions and vaccinations, the power of fiscal stimulus combined with accommodating monetary

conditions will be reinforced. Based on this forecast global economic growth, including Australian economic growth should accelerate in 2021 especially in the second half.

Australia stands out by international comparison both in economic performance and in containing COVID-19. The RBA stated position is that Australian economic recovery is occurring stronger and faster than earlier expected. The RBA has indicated that it intends to leave low official interest rates in place for at least three years to assist in sustainable economic recovery.

Australia's Quarter 4 Gross Domestic Product (GDP) report, when released in March, will be among the strongest in the world and will ensure that the fall in 2020 GDP is among the smallest, internationally.

Legislative environment

Council's investment opportunities are constrained by a combination of legislation, regulation and any directions and guidelines issued by the Minister or the Office of Local Government.

There has been no change to the investment legislative environment for a number of years and the most recent Ministerial Investment Order released in January 2011 continues to limit Council's investment options to:

- term and at-call deposits with Approved Deposit-taking Institutions (ADIs);
- other ADI senior ranked securities;
- investments with NSW Treasury Corporation including their investment management division (TCorp and TCorpIM);
- funds or securities issued or guaranteed by the Commonwealth or any State or Territory.

The current investment limit parameters were aligned to Tcorp's investment guidelines which are very restrictive and therefore reduce the opportunity to maximise investment returns for Council. Tcorp have strict investment guidelines for any NSW local council that has, or is intending to, borrow funds from Tcorp. Council does not currently have any Tcorp borrowing and does not intend on borrowing funds from Tcorp in the short term. Therefore it is proposed that Council replace the Tcorp restricted limits with APRA's standard being Standard and Poor's (or equivalent Moodys or Fitch). These recommended investment limits will align Council with majority of NSW councils and councils Australia wide (besides those councils that have borrowed funds from Tcorp). These new limits will ensure Council maximises investment returns whilst ensuring that the risk approach remains prudent and within the NSW local government investment guidelines.

Composition of Council's investment portfolio

The conservative nature of Council's Investment Strategy is clearly reflected in the structure of the portfolio, where 100% of the portfolio is invested with Australian Prudential Regulation Authority (APRA) - regulated ADIs.

Council's current portfolio is as follows (as at the end of December 2020):

Investment	Split
Big Four banks	54.4%
Australian mid-tier banks	38.4%
Foreign controlled Australian based ADIs	5.7%
Unrated – Local ADI	1.5%
Total APRA-regulated ADIs	100%

Investment strategy

Council's investment portfolio will continue to be prudently managed in accordance with:

- Council's *Investment Policy* and related legislative and regulatory requirements;
- documented risk management procedures to preserve capital; and
- Council's operational and capital funding requirements.

Objectives

Council's investment strategy for the period is to maintain the highly secure profile of the portfolio, provide liquidity and deliver competitive investment returns commensurate with the portfolio structure.

Risk profile

The risk profile for Council's investment portfolio is based on the principles of being prudent, conservative and risk averse. This is achieved by managing the diversity and creditworthiness of investments in accordance with the *Investment Policy* and other relevant requirements.

All current investments are with APRA regulated financial institutions so that credit risk remains minimal.

The maturity profile of the investments is adequately spread to ensure that liquidity and maturity risks are also kept to a minimum.

Securities are highly liquid and Council makes full use of this rather than holding at-call money. Council has historically held Floating Rate Notices (FRNs) to maturity, but is increasingly seeking to optimise the entry and exit points for these types of investments.

Liquidity / Maturity

The majority of Council's cash and investments portfolio is held as restricted reserves to satisfy legislative responsibilities and funding commitments contained within the *Dubbo 2040 Community Strategic Plan*.

To ensure Council has available funds to meet these short-term commitments, the following liquidity targets are set in accordance with the *Investment Policy*.

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

Council's capital funding requirements will continue to increase over the next few years, Council anticipate the following major capital expenditures in 2021:

- Stormwater \$1m
- Water Augmentation \$20m
- Sewage Augmentation \$12m
- Road Network \$25m
- Sport and Recreation works \$1m

These projects are being funded from either grants or restricted assets and impact the overall cash available for investment. The maturity profile of the investment portfolio has become more concentrated in the short and medium term rather than the longer term.

Council's liquidity will be monitored on an ongoing basis to ensure cash requirements are met and that liquidity parameters remain within allowable limits set out in the *Investment Policy*.

The Strategy

Investments are to be placed with the advantageous rate to Council and within the limits as set in the tables included in the *Investment Policy* and the Investment Strategy as listed below;

- Investment Policy - Performance Benchmark Table
- Investment Policy - Credit Rating Structure and Tenor Limits
- Investment Strategy – Investment Horizon Description

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

- Reduce current cash holdings due to static cash rate forecast for the next 3 years.
- Increase fixed term deposits past 12 months.
- Take advantage of longer tenor specials available up to a maximum of 3 to 4 years unless an advantageous rate is available.
- Place longer term investments of 3 to 4 years in either floating rate deposits or FRNs unless term deposit opportunity arises.
- Identify opportunity in Regional and Offshore names in both Senior Unsecured and Covered Bonds.

- Purchase secondary market FRNs where investment can be optimised.
- Implement exposure to the unrated ADI category to a maximum of 5%.
- Maintain a well-structured portfolio with a mix of maturities laddered across tenors.
- Laminar Capital Pty Ltd are currently reviewing the appropriateness of the T-Corp managed funds. Subject to T-Corp's performance of these funds, Council may consider Laminar Capital Pty Ltd's recommendation to invest in T-Corp's short term income fund.

Environmentally and Socially Responsible Investments

Council's ability to acquire environmentally and socially responsible investments within the current investment and policy environment remains limited, as:

- the structure of many of these investments remains prohibited under the current Ministerial Investment Order; and
- the global financial crisis caused significant declines in the valuation of the financial assets that comprise many of these investments.

Council will, however, continue to explore opportunities for supporting environmentally and socially responsible investments within these constraints. The investment climate is changing over time and Council notes that many large scale renewable projects are expected to evolve, which may offer sustainable investment opportunities in the future *via* coinvestments. Council will continue to encourage and give preference to these investments where they comply with the Ministerial Investment Order and satisfy Council's policy and investment objectives.

References

- | | |
|--------------------------------|--|
| Laws and standards | <ul style="list-style-type: none">• <i>Local Government Act 1993</i>;• <i>Local Government (General) Regulation 2005</i>;• Ministerial Investment Order;• <i>Local Government Code of Accounting Practice and Financial Reporting</i>;• Australian Accounting Standards;• Office of Local Government Circulars. |
| Policies and procedures | <ul style="list-style-type: none">• Investment Policy |