



REPORT ORDINARY COUNCIL MEETING 26 MARCH 2018

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

ALSO IN ATTENDANCE:

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

Councillor B Shields assumed chairmanship of the meeting.

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

CCL18/31 CONFIRMATION OF MINUTES (ID18/530)

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

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

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

CARRIED

CCL18/32 LEAVE OF ABSENCE (ID18/531)

There were no requests for leave of absence recorded.

CCL18/33 PUBLIC FORUM (ID18/532)

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

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

MAYORAL MINUTES:

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

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

Moved by Councillor B Shields

MOTION

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

CARRIED

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

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

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

Moved by Councillor B Shields

MOTION

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

CARRIED

INFORMATION ONLY MATTERS:

CCL18/35 ANNUAL REPORT FROM THE DREAM FESTIVAL (ID18/528)

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

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

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

CARRIED

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

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

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

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

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

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

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

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

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

CARRIED

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

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

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

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

CARRIED

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

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

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

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

CARRIED

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

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

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

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

CARRIED

REPORTS FROM STAFF:

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

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

Moved by Councillor D Grant and seconded by Councillor G Mohr

MOTION

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

4. That the General Manager undertake a review of the organisational structure below the Divisional level including an assessment of vacant positions and report back to Council.
5. That the recruitment for the position of Council's Chief Executive Officer commence in August 2018.

CARRIED

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

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

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

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

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

CARRIED

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

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

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

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

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

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

STAGE 1 - DEFERRED COMMENCEMENT CONDITION:

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

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

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

DRAFT OPERATIONAL CONDITIONS

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

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

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

Dated: 06.10.2017

Title: TREE REMOVAL & DEMOLITION PLAN

Plan no: 01_A02

Revision: B

Sheet no: 02 of 20

Drawn by: Geolyse

Dated: 06.10.2017

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

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

{Reason: Statutory and Council requirement}

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

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

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

{Reason: Statutory and sewerage supply authority requirement}

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

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

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

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

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

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

- The disconnection of the existing building's sanitary drainage pipework from Council's sewer, with the exposed sewer junction provided with a proper blanking cap prior to the excavation being backfilled. Note: Such inspection is to be performed by an officer of Council's Infrastructure and Operations Division.
- Final inspection of the site upon completion of all demolition works, site restoration and rectification of any damage to Council property.

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

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

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

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

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

Monday to Friday: 7 am to 6 pm

Saturday: 8 am to 1 pm

Sunday or public holidays: No demolition work permitted

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

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

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

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

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

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

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

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

{Reason: Council policy in respect of residential developments}

- (13) The provision by the Developer of all sewerage junctions, main extensions and alterations, necessary to provide separate sewerage connection to service the existing house and proposed Lot 12 to the satisfaction of Council.

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

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

{Reason: Implementation of Council Policy}

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

{Reason: Implementation of Council Policy No 2}

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

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

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

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

{Reason: Council policy in respect of commercial developments}

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

{Reason: Implementation of Council policy}

- (17) The design and construction by the Developer (at their own expense and to the satisfaction of Council) of the stormwater drainage systems for the proposed subdivision (including all driveways, parking areas and hardstand areas), noting that development will be required to discharge flows from the land in its undisturbed/natural state for the minor storm event (1 in 20 year ARI) to the kerb and gutter in Fitzroy Street and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to Fitzroy Street without impact on adjacent private property.

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

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

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

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

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

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

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

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

- (19) The proposed works will encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the applicant is to ensure that any sub-contractor(s) working on the site have current public liability

insurance policy(ies) to cover Council to an amount of not less than \$20 M in respect of any and all actions, costs and claims for damages that may be brought or made or claimed against Council in relation to the granting of this approval. Such policy shall note the interest of Council which ensures that Council is indemnified against any possible action.

{Reason: Implementation of Council's policy}

- (20) Prior to release of the Stage 1 - Subdivision Certificate, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).

{Reason: To ensure the orderly provision of infrastructure}

- (21) Prior to any works commencing on the site, site fencing shall be erected as necessary to fully enclose the work site on all sides to prevent access by members of the public. The work site shall remain secure at all times during both the demolition phase and prior to, and in conjunction with, any proposed 'future' re-development on the site.

{Reason: To provide safety for the public during the demolition and re-construction phases}

- (22) All relevant 'easement(s)' created over the subject land shall remain in force with Stage 1 of this Development Application to subdivide.

{Reason: To ensure legal rights to infrastructure and the continuation of relevant restrictions}

- (23) All vehicles must enter and exit the subject land (which includes proposed Lots 11 and 12) and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.

{Reason: To provide safety for the travelling public utilising the public roadways}

- (24) The provision by the Developer of transparencies plus digital copies in Civilcad, Microstation or DXF Format of all engineering plans prior to release of Subdivision Linens in accordance with Clause 4 of the Subdivision Development Code.

{Reason: Implementation of Council Policy No 2}

- (25) Prior to the issue of the Stage 1 - Subdivision Certificate, the contribution by the developer of Urban Roads Headworks contributions for a sum of \$6,454.80 in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.

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

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

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

contribution rate is to be confirmed prior to payment.

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

- (26) **Prior to the issue of the Stage 1 - Subdivision Certificate, the contribution by the developer of Water Supply Headworks contributions for a sum of \$5,585.80, calculated on a per lot basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.**

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

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

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

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

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

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

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

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

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

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

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

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

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

STAGE 1 – NOTATIONS

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

STAGE 2 - DEFERRED COMMENCEMENT CONDITION:

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

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

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

DRAFT OPERATIONAL CONDITIONS

STAGE 2 – Construction of four (4) terraces

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

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

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

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

- (3) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where**

modified in red and by any of the following conditions:

Title/Plan no: TREE REMOVAL & DEMOLITION PLAN/01_A02
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

Title/Plan no: SITE PLAN/01_A03
Drawn by: Geolyse
Issue/Dated: B/06.10.2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Such contribution rate is adjusted annually in accordance with Section 6.0 of the

Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's Annual Revenue Policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

Certificate application.

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

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

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

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

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

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

- (12) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.
{Reason: Statutory and Council requirement}
- (13) Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.
{Reason: Council requirement to preserve public hygiene}
- (14) The sanitary, water plumbing and drainage associated with the proposed building project requires the issue of its own approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.
{Reason: Statutory requirement of Local Government Act 1993}
- (15) Construction work shall only be carried out within the following times:

Monday to Friday:	7 am to 6 pm
Saturday:	8 am to 1 pm

Sunday or public holidays: No construction work permitted

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

- (16) **All sanitary plumbing and drainage and water plumbing work shall be carried out by a licensed plumber and drainer.**
{Reason: Statutory requirement of Section 634 Local Government Act 1993}
- (17) **The top of each dwelling's overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture serving the building.**
{Reason: Statutory and sewerage authority requirement}
- (18) **The top of each dwelling's overflow (relief) gully shall be a minimum 75 mm above the finished surrounding ground level to prevent ingress of surface stormwater.**
{Reason: Statutory and sewerage supply authority requirement}
- (19) **Roof water not conveyed to each dwelling's rainwater tank pursuant to the approved BASIX Certificate and the overflow from the required rainwater tanks shall be conducted to the street gutter by means of appropriate drainage pipework.**
{Reason: To ensure satisfactory disposal of roof water}
- (20) **The hot water delivered to each dwelling's outlets of the hand-basins, showers and baths shall not exceed 50°C.**
{Reason: Statutory requirement of the Plumbing Code of Australia}
- (21) **Surface water shall be directed away from the building to prevent ponding near the foundations of the building whilst ensuring surface water is not diverted to the detriment of adjoining properties.**
{Reason: To ensure satisfactory drainage}
- (22) **The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of each dwelling have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the building.**
{Reason: To demonstrate the provision of an adequate moisture proofing system}
- (23) **The terrace's shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.**
{Reason: Statutory requirement to ensure the building is fit for occupation}
- (24) **A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.**
{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}
- (25) **All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and**

sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.

{Reason: Council requirement for protection of public}

- (26) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under EP&A Act}

- (27) If an excavation associated with the proposed building work extends below the surface level of an adjoining allotment of land and/or the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense:

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

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

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

- (28) Prior to works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- (b) The name of the principal contractor for the building work and a telephone number on which that person may be contacted outside of working hours; and
- (c) Stating that unauthorised entry to the work site is prohibited.

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

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

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

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

Note: The 'principal contractor' is the person responsible for the overall coordination

and control of the carrying out of the building work.

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

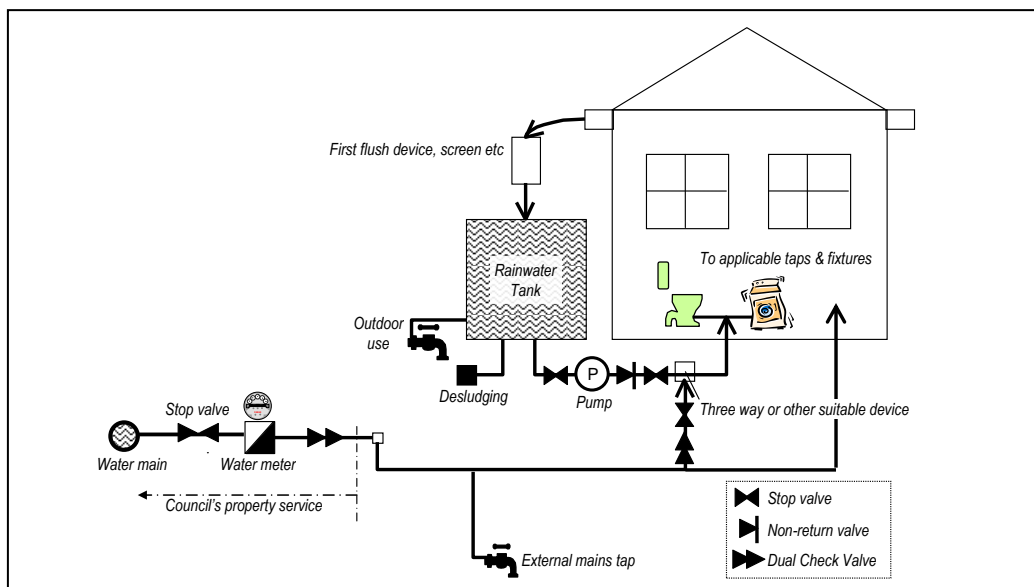
- (30) Noise from the rainwater tank pumps shall be controlled such that offensive noise is not emitted. In this regard, the pumps shall be located in a position where it least affects neighbouring properties, and not exceed the background noise level (L_{A90}) by 5dB(A) measured at the worst effected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

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

{Reason: To minimise the creation of offensive noise}

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

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



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

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

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

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

Note:

- ① All 'RAINWATER' labels or signs are to have black lettering and pictogram on either a yellow or green background.



- ① Marking shall be in accordance with AS 1345.

{Reason: Statutory requirements of Plumbing Code of Australia}

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

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

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

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

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

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

{Reason: Statutory and Council requirement}

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Internal and external sanitary plumbing and drainage under hydraulic test.
- Water plumbing, under hydraulic test.
- Final inspection of the installed sanitary and water plumbing fixtures upon the

building's completion prior to its occupation/use.

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

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

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

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

{Reason: To ensure satisfactory stormwater drainage}

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

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

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

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

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

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

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

Note: As Council is the local water authority, separate metered connections will be

require in respect to the provision of a suitably size domestic water meter and separate fire service meter to the development site.

{Reason: Council policy in respect of commercial developments}

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

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

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

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

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

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

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

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

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

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

{Reason: Implementation of Council policy}

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

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

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

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

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

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

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

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

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

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

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

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

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

{Reason: Implementation of Council policy}

- (54) Prior to release of the Stage 3 - Subdivision Certificate, the submission to Council of evidence that an electricity supply has been provided to each lot within the proposed subdivision by way of a Certificate of Acceptance/Notice of Arrangement as issued by the electricity supply authority (Essential Energy).
{Reason: To ensure the orderly provision of infrastructure}

STAGE 2 - NOTATIONS

- (1) Before occupation of the dwellings the street numbers of each should be displayed in a prominent position at the front of the allotment.
- (2) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Stage 2 - Construction Certificate to permit the erection of the proposed building.
- (3) If Council is engaged to act as the Certifying Authority for the Stage 2 - Construction Certificate application the following shall be included with such application:
 - The location of all required smoke detectors/alarms together with a statement that they will be installed in conformity with AS 3786 and Part 3.7.2. of BCA;
 - Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660;
 - An Erosion and Sedimentation Control Plan;
 - Provide the finished surface levels and stormwater drainage infrastructure sufficient to demonstrate compliance with the conditions of consent and the Part 3.1.2 of the BCA; and
 - All structural details including specifications, tie-down and bracing plans and calculations, soil test reports and slab design details;
 - The intended means of sealing the gap between the top of the building's fire walls (separating each dwelling) and the roof covering;
 - Existing and finished site contours and levels indicating the extent of any cut

and fill; and methods (eg retaining walls) proposed to be implemented with any such cut and fill;

- The intended method of construction proposed for each dwelling's party wall to achieve compliance with the Fire Resistance Level and any applicable $R_w + C_{tr}$ weighted sound reduction index with spectrum adaption;
- All BASIX Commitments required to be shown on the CC plans;
- The proposed colour of the building's roof, to demonstrate compliance with the BASIX Certificate;
- Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660; and
- Details of the manner of exhausting the air from the mechanical ventilation system (exhaust fans) required to be provide to each dwelling's ground floor laundry, wc compartment and kitchen, to the outside of each dwelling;
- Details indicating the slip-resistance classification under the BCA proposed for the stair landings, treads and if specified, nosing strips, in each dwelling;
- The provision of details and drawings clearly demonstrating:
 - Balustrade and handrail design details for the first floor stair landings and stairwell;
 - The risers and goings of the stairs are in conformity with the BCA; and
- The intended means of protecting the applicable openable windows to the first floor bedrooms, to achieve conformity with clause 3.9.2.5 of the BCA.

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

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

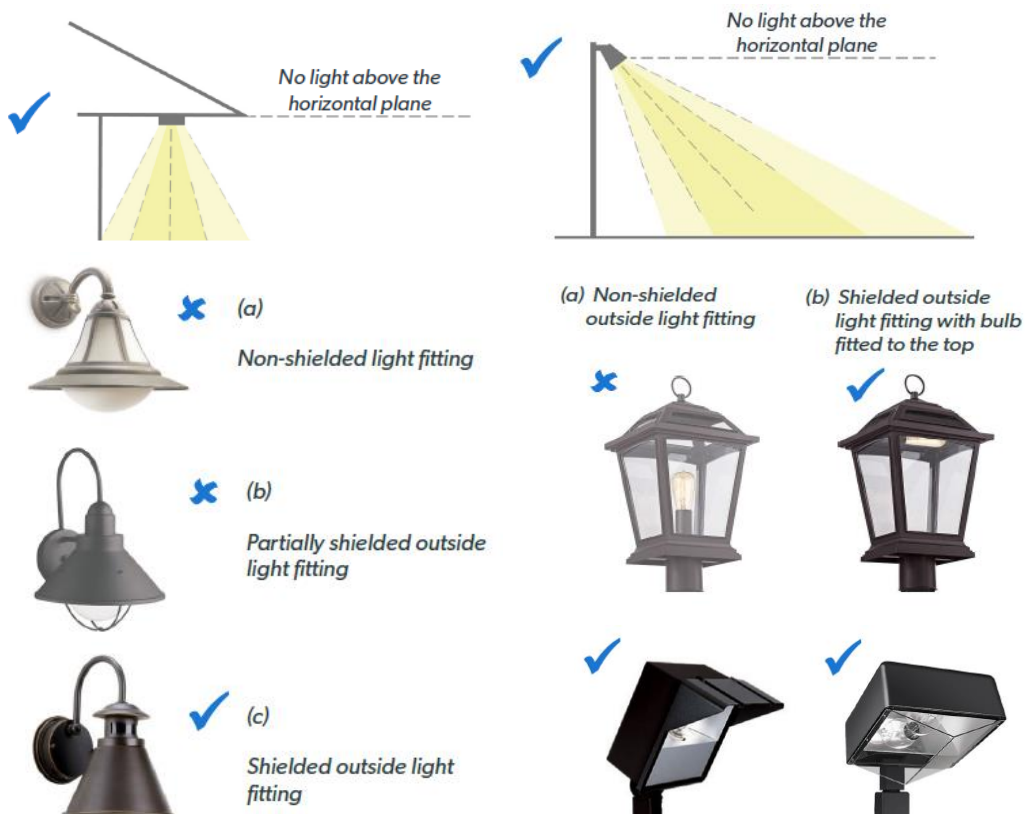
- (8) In the event that the subject lot and proposed terraces to be erected thereon are to be subdivided in the future:

- (a) A separate application is required to be submitted to Council for subdivision;
- (b) Separate water, sewer, and stormwater drainage connection(s) (plus any corresponding easements) to each parcel of land will be required; and
- (c) Each dwelling's water plumbing, sanitary drainage and stormwater pipework must be wholly contained within each respective allotment, or provided with appropriate easements.

(9) With the commencement of new 'Dark Sky' provisions in Dubbo Local Environmental Plan 2011 and the Environmental Planning and Assessment Regulation, 2000, the following provisions apply to all new dwellings.

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

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



automatic light fitting means a light fitting that is activated by a sensor and switches

off automatically after a period of time

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

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

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

(a) One light fitting



(b) Two light fittings



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

<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/dark-sky-planning-guideline-2016-06.ashx>

DRAFT OPERATIONAL CONDITIONS

STAGE 3 – Four (4) lot strata subdivision

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

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

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

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

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

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

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

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

Note: S64/S7.11 Contributions are required to be paid prior to issue of the Stage 3 - Subdivision Certificate or Occupation Certificate, whichever occurs first.
{Reason: Compliance with the associated Development Application D2017-462}

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

Council will require written advice from NBN/Telstra or its contractor to state that the NBN pit and conduit requirements have been met.
{Reason: Implementation of Council policy}

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

STAGE 3 - NOTATIONS

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

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

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

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

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

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

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

CARRIED

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

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

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

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

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

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

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That funds from the Community Assistance Program Round two be allocated as follows:
 - Dubbo Rescue Squad Inc. (Volunteer Rescue Association) \$3,536
 - Dubbo & District Family History Society Inc. \$1,375
 - H.O.P.E. Program @ Dubbo Neighbourhood Centre \$1,500
 - Embroiderers' Guild of NSW – Dubbo Group \$200
 - Geurie Rodeo Committee \$1,900
 - Dubbo Community Kitchen – Emmanuel Care Inc Dubbo \$4,000
 - Orana Toy Library \$2,500
2. That all applicants be advised of the outcomes of their funding application.
3. That Council staff liaise with non-successful applicants to assist groups in preparing better applications for future opportunities.

CARRIED

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

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

Councillor B Shields resumed chairmanship of the meeting.

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

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

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

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

CARRIED

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

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

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

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

CARRIED

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

There were no matters recorded under this clause.

The meeting closed at 6.47pm.

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CHAIRMAN