



ATTACHMENTS

ORDINARY COUNCIL MEETING

27 JULY 2023

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

The meeting is scheduled to commence at 5.30pm.

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INITIAL SECTION

CCL23/179 Confirmation Of Minutes

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Attachment 2:	Minutes - Extraordinary Council Meeting - 30 June 2023	25



REPORT ORDINARY COUNCIL MEETING 22 JUNE 2023

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

ALSO IN ATTENDANCE: The Chief Executive Officer, the Director Organisational Performance, the Manager Corporate Governance, the Governance Team Leader, the Manager Commercial Strategy, the Chief Financial Officer, the Manager Land and Property Services, the Director Strategy, Partnerships and Engagement, the Communication Services Team Leader, the Communications Partner, the IT Infrastructure Specialist, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure, the Director Community, Culture and Places (C Arms) and the Manager Recreation and Open Space.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.32pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor M Wright.

The Acknowledgement Of Country was given by Councillor L Burns.

CCL23/146 LEAVE OF ABSENCE (ID23/1095)

There were no requests for leave of absence received.

Councillor D Mahon attended via audio-visual link.

CCL23/147 CONFLICTS OF INTEREST (ID23/1090)

The following conflicts of interest were declared:

- Councillor S Chowdhury - non-pecuniary – less than significant in CCL23/152
- Councillor M Dickerson - non-pecuniary – less than significant in CCL23/152
- Councillor J Black - non-pecuniary – less than significant in CCL23/156
- Councillor S Chowdhury - pecuniary – significant in CCL23/161
- Councillor D Mahon - non-pecuniary – less than significant in CCL23/162
- Councillor S Chowdhury - pecuniary – significant in CCL23/163

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT**CCL23/148 PUBLIC FORUM (ID23/1085)**

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

- Rebecca Davey – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.
- Reginald Parker – regarding – CCL23/157 – Draft Budget, Operational Plan and Associated Documents (results of Public Exhibition).
- Karina McLachlan – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre and CCL23/157 – 2022/2023 Draft Budget, Operational Plan and Associated Documents (results of Public Exhibition).
- Maree Caton – regarding Fluoride in water.
- Barbara Sutherland – regarding management of the mature tree canopy.
- Edin Hoogesteger – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.
- Rebecca Miller – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.

CCL23/148 PUBLIC FORUM (ID23/1085)

As per Council's Code of Meeting Practice, Section 4.3, Public Forum is limited to 30 minutes, however, once the 30 minutes have been completed and there are more speakers, the Council can move a motion to extend the time frame by a nominated length of time.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

MOTION

That Council extend Public Forum by a further 20 minutes.

CARRIED

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

Against: Nil

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

- Kelly Lew – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.
- Joy Whittle – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT**CCL23/149 CONFIRMATION OF MINUTES (ID23/1100)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 25 May 2023.

Moved by Councillor V Etheridge and seconded by Councillor J Gough

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 25 May 2023 comprising pages 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

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

Against: Nil

INFORMATION ONLY MATTERS:**CCL23/150 MAYORAL APPOINTMENTS AND MEETINGS (ID23/1493)**

The Council had before it the report dated 7 June 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That the information contained in the report be noted.

CARRIED

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

Against: Nil

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT**MATTERS CONSIDERED BY COMMITTEES:****CCL23/151 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 8 JUNE 2023 (ID23/1522)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 8 June 2023.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 8 June 2023, be adopted.

CARRIED

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

Against: Nil

CCL23/152 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 8 JUNE 2023 (ID23/1523)

The Council had before it the report of the Culture and Community Committee meeting held 8 June 2023.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

That the report of the Culture and Community Committee meeting held on 8 June 2023, be adopted.

CARRIED

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

Against: Nil

Councillor S Chowdhury declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor S Chowdhury DCFM have now withdrawn their request for funding.

Councillor M Dickerson declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor M Dickerson has a technology segment on DCFM but that item has been withdrawn so I will stay in the meeting.

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT**CCL23/153 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 8 JUNE 2023
(ID23/1524)**

The Council had before it the report of the Corporate Services Committee meeting held 8 June 2023.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

That the report of the Corporate Services Committee meeting held on 8 June 2023, be adopted.

CARRIED

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

Against: Nil

NOTICES OF MOTION:**CCL23/154 AUDIT OF SIGNS ACROSS THE URBAN AREAS OF THE LGA (ID23/1278)**

The Council had before it a Notice of Motion dated 14 June 2023 from Councillor R Ivey regarding the Audit of Signs Across the Urban Areas of the Local Government Areas.

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

MOTION

That the Chief Executive Officer provide a report to Council in September 2023 on the accuracy and quality of the signage for which Council has responsibility, across the urban areas of the Local Government Area.

CARRIED

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

Against: Nil

CCL23/155 RESILIENCE ACTIONS (ID23/1429)

The Council had before it a Notice of Motion dated 15 June 2023 from Councillor R Ivey regarding Resilience Actions.

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

MOTION

- 1. That the Chief Executive Officer provide a report to Council that sets out strategies implemented, infrastructure projects completed by Council which will provide greater resilience for our region should it move back into drought conditions.**

ORDINARY COUNCIL MEETING - 22 JUNE 2023
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2. That to also be included in this report any other strategies or projects which are being considered or should be considered to further enhance the drought resilience within our Local Government Area.

CARRIED

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

Against: Nil

CCL23/156 ALCOHOL AND OTHER DRUGS REHABILITATION CENTRE (ID23/1526)

The Council had before it a Notice of Motion dated 13 June 2023 from Councillor P Wells regarding the Alcohol and Other Drugs Rehabilitation Centre.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

1. That Council note its support for the construction of an Alcohol and Other Drugs Rehabilitation Facility for the Dubbo Region.
2. That the CEO provide a report to the July 2023 Ordinary Meeting of Council addressing the financial, regulatory and legal matters around the provision of land for Alcohol and Other Drug Rehabilitation Facility.

CARRIED

For: Councillors J Black, L Burns, V Etheridge, J Gough, D Mahon and P Wells.

Against: S Chowdhury, M Dickerson, R Ivey, M Wright.

Councillor J Black declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor J Black is employed by Parliament of NSW, 3 days a week and allocated to the Office of Stephen Lawrence MLC who was extensively involved in lobbying for a Dubbo Rehab Centre during his previous time on Dubbo Regional Council and since and I intend to continue to participate and will remain in the room.

REPORTS FROM STAFF:

CCL23/157 2023/2024 DRAFT BUDGET, OPERATIONAL PLAN AND ASSOCIATED DOCUMENTS - RESULTS OF PUBLIC EXHIBITION (ID23/1068)

The Council had before it the report dated 13 June 2023 from the Director Strategy, Partnerships and Engagement regarding 2023/2024 Draft Budget, Operational Plan and Associated Documents - Results of Public Exhibition.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.

ORDINARY COUNCIL MEETING - 22 JUNE 2023
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2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
3. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, fee for the Wellington Aerodrome and Recreation Park for Aircraft Landing Fees Non RPT Aircraft - per 1000kg maximum take-off weight (MTOW), pro rata of \$10.00 to include a discount for Non RPT Aircraft MTOW 1500kg and under - Saturday and Sundays (midnight to midnight) - to be charged 50% of Non RPT Landing Fee.
4. That the 2023/2024 Fees and Charges in respect of the Statutory Fees for Building and Development Services and Financial Operations be amended to charge the approved fee.
5. That the 2023/2024 Fees and Charges in respect of the Ground Preparation Fee for Cricket Dubbo Seniors be adjusted to \$53,998.00 and Cricket Dubbo Juniors be adjusted to \$7,363.00.
6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2), draft 2023/2024 Fees and Charges (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
7. That that draft documents be amended to correct minor clarifications and typographical errors.
8. That those who made a submission be advised of Council's determination on this matter.
9. That in accordance with the requirements of Section 566(3) of the Local Government Act 1993, the interest charged on overdue rates and charges be at the rate of 9.0% per annum for the 2023/2024 financial year.
10. That Council undertake a community engagement and education program regarding Council's financial position and the potential for a special rate variation to Independent Pricing and Regulatory Tribunal (IPART). The community will be consulted on options that include:
 - a. No special rate variation and the related need to reduce operational costs with identified reduction in service levels and impact on addressing asset renewal needs.
 - b. A special rate variation that addresses current service delivery and asset renewal needs.
 - c. A special rate variation to increase service levels in areas identified by the community.

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Moved by Councillor M Wright and seconded by Councillor V Etheridge

AMENDMENT

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.
2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
3. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, fee for the Wellington Aerodrome and Recreation Park for Aircraft Landing Fees Non RPT Aircraft - per 1000kg maximum take-off weight (MTOW), pro rata of \$10.00 to include a discount for Non RPT Aircraft MTOW 1500kg and under - Saturday and Sundays (midnight to midnight) - to be charged 50% of Non RPT Landing Fee.
4. That the 2023/2024 Fees and Charges in respect of the Statutory Fees for Building and Development Services and Financial Operations be amended to charge the approved fee.
5. That the 2023/2024 Fees and Charges in respect of the Ground Preparation Fee for Cricket Dubbo Seniors be adjusted to \$53,998.00 and Cricket Dubbo Juniors be adjusted to \$7,363.00.
6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2), draft 2023/2024 Fees and Charges (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
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11. That the Sheraton Road footpath be funded by reallocation of capital funds from Gipps and Brisbane Streets Footpath and Kerb and Gutter works in the program for the 2023/2024 financial year, and that the removed projects be assessed for future budgets with such projects being considered in the 2024/2025 budget process.

The amendment on being put to the meeting was carried.

CARRIED

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

Against: Nil

Moved by Councillor S Chowdhury and seconded by Councillor L Burns

AMENDMENT

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.
2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
3. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, fee for the Wellington Aerodrome and Recreation Park for Aircraft Landing Fees Non RPT Aircraft - per 1000kg maximum take-off weight (MTOW), pro rata of \$10.00 to include a discount for Non RPT Aircraft MTOW 1500kg and under - Saturday and Sundays (midnight to midnight) - to be charged 50% of Non RPT Landing Fee.
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6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2), draft 2023/2024 Fees and Charges (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
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10. That Council undertake a community engagement and education program regarding Council's financial position and the potential for a special rate variation to Independent Pricing and Regulatory Tribunal (IPART). The community will be consulted on options that include:
 - a. No special rate variation and the related need to reduce operational costs with identified reduction in service levels and impact on addressing asset renewal needs.
 - b. A special rate variation that addresses current service delivery and asset renewal needs.
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11. That the Sheraton Road footpath be funded by reallocation of capital funds from Gipps and Brisbane Streets Footpath and Kerb and Gutter works in the program for the 2023/2024 financial year, and that the removed projects be assessed for future budgets with such projects being considered in the 2024/2025 budget process.
12. That Council provide a report to the July Council Meeting, identifying operational funds that could be reallocated to fund increased level of service for Christmas activation.

The amendment on being put to the meeting was carried.

CARRIED

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

Against: Councillor J Black.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

AMENDMENT

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.
2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
3. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, fee for the Wellington Aerodrome and Recreation Park for Aircraft Landing Fees Non RPT Aircraft - per 1000kg maximum take-off weight (MTOW), pro rata of \$10.00 to include a discount for Non RPT Aircraft MTOW 1500kg and under - Saturday and Sundays (midnight to midnight) - to be charged 50% of Non RPT Landing Fee.
4. That the 2023/2024 Fees and Charges in respect of the Statutory Fees for Building and Development Services and Financial Operations be amended to charge the approved fee.
5. That the 2023/2024 Fees and Charges in respect of the Ground Preparation Fee for Cricket Dubbo Seniors be adjusted to \$53,998.00 and Cricket Dubbo Juniors be adjusted to \$7,363.00.
6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2), draft 2023/2024 Fees and Charges

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(attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.

7. That that draft documents be amended to correct minor clarifications and typographical errors.
8. That those who made a submission be advised of Council's determination on this matter.
9. That in accordance with the requirements of Section 566(3) of the Local Government Act 1993, the interest charged on overdue rates and charges be at the rate of 9.0% per annum for the 2023/2024 financial year.
10. That Council undertake a community engagement and education program regarding Council's financial position and the potential for a special rate variation to Independent Pricing and Regulatory Tribunal (IPART). The community will be consulted on options that include:
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 - b. A special rate variation that addresses current service delivery and asset renewal needs.
 - c. A special rate variation to increase service levels in areas identified by the community.
11. That the Sheraton Road footpath be funded by reallocation of capital funds from Gipps and Brisbane Streets Footpath and Kerb and Gutter works in the program for the 2023/2024 financial year, and that the removed projects be assessed for future budgets with such projects being considered in the 2024/2025 budget process.
12. That Council provide a report to the July Council Meeting, identifying operational funds that could be reallocated to fund increased level of service for Christmas activation.
13. That \$100,00 be allocated to the Street Tree Budget, leaving \$270,000 for increased mowing services for Wellington and Dubbo Urban Area Entrances.

The amendment on being put to the meeting was carried.

CARRIED

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

Against: Nil

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Moved by Councillor J Black and seconded by Councillor L Burns

AMENDMENT

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.
2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
3. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, fee for the Wellington Aerodrome and Recreation Park for Aircraft Landing Fees Non RPT Aircraft - per 1000kg maximum take-off weight (MTOW), pro rata of \$10.00 to include a discount for Non RPT Aircraft MTOW 1500kg and under - Saturday and Sundays (midnight to midnight) - to be charged 50% of Non RPT Landing Fee.
4. That the 2023/2024 Fees and Charges in respect of the Statutory Fees for Building and Development Services and Financial Operations be amended to charge the approved fee.
5. That the 2023/2024 Fees and Charges in respect of the Ground Preparation Fee for Cricket Dubbo Seniors be adjusted to \$53,998.00 and Cricket Dubbo Juniors be adjusted to \$7,363.00.
6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2), draft 2023/2024 Fees and Charges (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
7. That that draft documents be amended to correct minor clarifications and typographical errors.
8. That those who made a submission be advised of Council's determination on this matter.
9. That in accordance with the requirements of Section 566(3) of the Local Government Act 1993, the interest charged on overdue rates and charges be at the rate of 9.0% per annum for the 2023/2024 financial year.
10. That Council undertake a community engagement and education program regarding Council's financial position and the potential for a special rate variation to Independent Pricing and Regulatory Tribunal (IPART). The community will be consulted on options that include:
 - a. No special rate variation and the related need to reduce operational costs with identified reduction in service levels and impact on addressing asset renewal needs.
 - b. A special rate variation that addresses current service delivery and asset renewal needs.
 - c. A special rate variation to increase service levels in areas identified by the community.

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11. That the Sheraton Road footpath be funded by reallocation of capital funds from Gipps and Brisbane Streets Footpath and Kerb and Gutter works in the program for the 2023/2024 financial year, and that the removed projects be assessed for future budgets with such projects being considered in the 2024/2025 budget process.
12. That Council provide a report to the July Council Meeting, identifying operational funds that could be reallocated to fund increased level of service for Christmas activation.
13. That \$100,000 be allocated to the Street Tree Budget, leaving \$270,000 for increased mowing services for Wellington and Dubbo Urban Area Entrances.
14. That the 2023/2024 Fees and Charges in respect of Rainbow Cottage be increased by 8.5% from the 2022/2023 Fees and the increase be applied from the 1 January 2024 for the following fees:
 - a) per child per day charge for 0-2 years room and the 2-5 years room.
 - b) ½ day share by permanent children for the 0-2 years room- per ½ day and the 2-5 years room- per ½ day.
 - c) ½ day casual child (ie. not enrolled) for the 0-2 years room- per ½ day and the 2-5 years room- per ½ day.

The amendment on being put to the meeting was carried.

CARRIED

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

Against: Councillor S Chowdhury

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

CARRIED

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

Against: Nil

CCL23/158 THE MAKING OF THE RATES AND CHARGES (ID23/1268)

The Council had before it the report dated 9 June 2023 from the Revenue Accountant regarding The Making of the Rates and Charges.

Moved by Councillor M Wright and seconded by Councillor J Gough

MOTION

1. That WHEREAS the 2023/2024 Draft Operational Plan was adopted by the Council on 27 April 2023, and WHEREAS public notice of the 2023/2024 Draft Operational Plan was given as per Section 405 of the Local Government Act 1993 in the form of a proactive media plan supported by an advertising campaign and online communications and WHEREAS a period of 28 days has lapsed since the commencement of advertising on 1 May 2023 and Council has taken into consideration submissions made concerning the Draft Operational Plan and Budget IT IS HEREBY RESOLVED that Council make the following Rates and Annual Charges for the year 2023/2024, and that such Rates and Annual Charges be the amount specified

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hereunder subject to the minimum amount per assessment specified in Ordinary Rates table in the report of the Revenue Accountant dated 9 June 2023.

2. That WHEREAS the 2023/2024 Draft Operational Plan was adopted by Council on 27 April 2023, and WHEREAS public notice of the 2023/2024 Draft Operational Plan was given as per Section 405 of the Local Government Act 1993 in the form of a proactive media plan supported by an advertising campaign and online communications and WHEREAS a period of 28 days has lapsed since the commencement of advertising on 1 May 2023 and Council has taken into consideration submissions made concerning the Draft Operational Plan and budget, IT IS HEREBY RESOLVED that Council make the User Charges for the year 2023/2024 as referred to in the report of the Revenue Accountant dated 9 June 2023.

CARRIED

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

Against: Nil

CCL23/159 2023 DREAM FESTIVAL LANTERN PARADE (ID23/1458)

The Council had before it the report dated 6 June 2023 from the Senior Traffic Engineer regarding 2023 Dream Festival Lantern Parade.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

That Council approval be granted for a temporary road closure of Talbragar Street between Bligh Street and Memorial Drive (Victoria Park) Dubbo on Saturday, 9 September 2023 for the Lantern Parade between 7.00 pm to 7.45 pm, subject to the following:

1. The Parade will commence at approximately 7.00 pm from the Macquarie Lions Park and the Macquarie Regional Library car park in Talbragar Street then east to Memorial Drive and access to Victoria Park.
2. The event is to be undertaken under Police escort in accordance with the requirements of the NSW Police with approval documentation forwarded to Council for notation.
3. The temporary closure of the road shall occur five minutes prior to the commencement of the Parade from the Macquarie Regional Library car park to Talbragar Street. Talbragar Street shall progressively re-open at the time the rear escort vehicle is one block ahead of the previous intersection:
 - Open Bligh Street when the vehicle has passed Macquarie Street;
 - Open Macquarie Street when the vehicle has passed Brisbane Street;
 - Open Brisbane Street when the vehicle has passed Darling Street; and
 - Open Darling Street when the vehicle has entered Memorial Drive.
4. The submission of an Event and Traffic Management Plan and Traffic Control Plans to Council for approval in accordance with Australian Standard 1742.3:2019, and Transport for NSW (TfNSW) guide to Traffic Control at Worksites prepared by an accredited person.

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5. Traffic controllers and/or trained course marshals are to be provided at all road closure points and other locations as identified in the Event and Traffic Management Plan with restricted access only to emergency and authorised vehicles. All traffic controllers are to be specially authorised for the event with current TfNSW certification.
6. The Event is undertaken under Dubbo Regional Council's Public Liability Insurance Policy.
7. The applicant is responsible for the provision of all traffic control required for the event in accordance with the Traffic Control Plan.
8. All traffic advisory signs are to be placed in accordance with the approved Traffic Control Plan (TM 7032) and the Event and Traffic Management Plan.
9. The NSW Police's consent and conditions for the running of the event as considered necessary.
10. The applicant is to contact the Manager of Dubbo Bus Lines regarding potential conflict with the night time Bus Service within the CBD.
11. The applicant is to submit to Council all the appropriate documentation required, accepting the above terms and conditions before final approval is granted.
12. All costs associated with implementing these event conditions are to be met by the event organiser.

CARRIED

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

Against: Nil

CCL23/160 DRAFT DEVELOPMENT CONTROL PLAN NORTH-WEST URBAN RELEASE AREA (ID23/1249)

The Council had before it the report dated 9 June 2023 from the Manager Growth Planning regarding Draft Development Control Plan North-West Urban Release Area.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

1. That the draft North-West Urban Release Area Development Control Plan be adopted for the purpose of public exhibition only.
2. That the draft North-West Urban Release Area Development Control Plan be placed on public exhibition for a period of not less than 28 days in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.
3. That consultation be undertaken with Precinct landowners and those persons who have previously made submissions to Council during development of the North-West Urban Release Area Precinct Plan.
4. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

CARRIED

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

Against: Nil

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CCL23/161 DRAFT SOUTHLAKES ESTATE DEVELOPMENT CONTROL PLAN - RESULTS OF PUBLIC EXHIBITION (ID23/319)

The Council had before it the report dated 6 June 2023 from the Team Leader Growth Planning Projects regarding Draft Southlakes Estate Development Control Plan - Results of Public Exhibition.

Moved by Councillor P Wells and seconded by Councillor M Wright

MOTION

1. That Council adopt the draft Southlakes Estate Development Control Plan (attached as Appendix 1 to this report).
2. That the draft Southlakes Estate Development Control Plan come into effect on 26 June 2023.
3. That Council repeal the Southlakes Development Control Plans 1 and 2 from 26 June 2023.

CARRIED

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

Against: Nil

Councillor S Chowdhury 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 S Chowdhury resides in Southlakes.

CCL23/162 DEVELOPMENT APPLICATION D23-155 WAREHOUSE, INDUSTRIAL BUILDING (11 UNITS) AND CAFÉ, LOT 909 DP1288166, 14 FISCAL WAY, DUBBO, APPLICANT: DRAYTON GROUP PTY LTD, OWNER: MOVE AROUND PTY LTD (ID23/1428)

The Council had before it the report dated 6 June 2023 from the Statutory Planning Services Team Leader regarding Development Application D23-155 Warehouse, Industrial Building (11 Units) and Café, Lot 909 DP1288166, 14 Fiscal Way, Dubbo, Applicant: Drayton Group Pty Ltd Owner: Move Around Pty Ltd.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That Development Application D23-155 for a warehouse, industrial building (11 units) and cafe at Lot 909 DP 1288166, 14 Fiscal Way, Dubbo, be approved subject to the conditions of consent set out in Appendix 2.

CARRIED

At this juncture, Councillor L Burns left the room, the time being 7.52 pm.

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

Against: Nil

Councillor D Mahon declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room and during the Council's consideration of this matter. The reason for such interest is that Councillor D Mahon he owns land and operates a business in Blueridge Business Park.

Councillor L Burns returned to the meeting, the time being 7.54 pm.

CCL23/163 OPEN SPACE MAINTENANCE DEED BETWEEN DUBBO REGIONAL COUNCIL AND MAAS GROUP PROPERTIES SOUTHLAKES PTY LTD (ID23/1423)

The Council had before it the report dated 4 June 2023 from the Manager Recreation and Open Space regarding Open Space Maintenance Deed Between Dubbo Regional Council and Maas Group Properties Southlakes Pty Ltd.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

1. That the report from Manager Recreation and Open Space be noted.
2. That Council enter into an Open Space Maintenance Deed with Maas Group Properties Southlakes Pty Ltd for Stage 33 of Southlakes Development.
3. That all documents be executed under the Common Seal of Council.

CARRIED

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

Against: Nil

Councillor S Chowdhury 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 S Chowdhury resides in Southlakes.

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CCL23/164 PLAN OF EASEMENTS FOR OVERHEAD POWER LINES FOR BORE INFRASTRUCTURE, LOT 1 DP 1206861 BUNGLEGUMBIE ROAD, DUBBO (ID23/1296)

The Council had before it the report dated 5 June 2023 from the Property Development Officer regarding Plan of Easements for Overhead Power lines for Bore Infrastructure, Lot 1 DP 1206861 Bunglegumbie Road, Dubbo.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

MOTION

1. That the plan of easements for overhead power lines affecting Lot 1 DP1206861 be executed under the Common Seal of Council.
2. That the Council delegate to the Chief Executive Officer the power to execute any documents that may be required to facilitate the registration of the plan of easements and finalise any necessary documents (including a customer deed) with Essential Energy.
3. That any documents which may not be executed by the Chief Executive Officer under delegation be executed under the Common Seal of Council.

CARRIED

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

Against: Nil

CCL23/165 QUESTION ON NOTICE - COUNCILLOR PAM WELLS (ID23/1534)

The Council had before it the report dated 15 June 2023 from the Councillor regarding Question on Notice - Councillor Pam Wells.

Moved by Councillor P Wells and seconded by Councillor S Chowdhury

MOTION

That the information contained in the report be noted.

CARRIED

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

Against: Nil

CCL23/166 COMMENTS AND MATTERS OF URGENCY (ID23/1150)

There were no matters recorded under this clause.

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT**CONFIDENTIAL**

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

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

- *CCL23/167 - Write Off of Unrecoverable Debts*
(Section 10A(2)(b)) – the personal hardship of a resident or ratepayer.
- *CCL23/168 - Acquisition of Macquarie Lodge (95L Bunglegumbie Road Dubbo) Consisting of Lot 9 and 10 DP244001 for Dubbo Groundwater Security Infrastructure*
(Section 10A(2)(d)(ii)) – commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- *CCL23/169 - Dubbo Regional Council Aquatic Leisure Centres Request for Proposal (RFP)*
(Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- *CCL23/170 - Compulsory Acquisition Considerations Relating to the Southern Distributor Road*
(Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- *CCL23/171 - Little River Bridge Reconstruction - Additional Road Widening Acquisition Agreement - Locality of Benolong*
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

At this juncture it was moved by Councillor V Etheridge and seconded by Councillor L Burns that the Council resolves into closed session, the time being 8.22pm.

The open session resumed at 9.09pm.

The Mayor read out the following resolutions made in the closed session in Council.

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT**CCL23/167 WRITE OFF OF UNRECOVERABLE DEBTS (ID23/905)**

The Council had before it the report dated 5 June 2023 from the Chief Financial Officer regarding Write Off of Unrecoverable Debts.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

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 the personal hardship of any resident or ratepayer (Section 10A(2)(b)).

CARRIED

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

1. **That the Accounts Receivable debt for the amount outstanding of \$16,720.00 be written off.**
2. **That the Accounts Receivable debt for the amount outstanding of \$11,428.68 be written off.**

CARRIED

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

Against: Nil

CCL23/168 ACQUISITION OF MACQUARIE LODGE (95L BUNGLEGUMBIE ROAD DUBBO) CONSISTING OF LOT 9 AND 10 DP244001 FOR DUBBO GROUNDWATER SECURITY INFRASTRUCTURE (ID23/1348)

The Council had before it the report dated 5 June 2023 from the Manager Strategy Water Supply and Sewerage regarding Acquisition of Macquarie Lodge (95L Bunglegumbie Road Dubbo) Consisting of Lot 9 and 10 DP244001 for Dubbo Groundwater Security Infrastructure.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

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 commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).

CARRIED

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT

Moved by Councillor V Etheridge and seconded by Councillor J Black

MOTION

1. That Council pursue the purchase of Lot 9 and 10 DP 244001 to maximum value as outlined in this report.
2. That Council authorise the Chief Executive Officer to negotiate the terms of the purchase in accordance with the details outlined in this report.
3. That upon acquisition, the land be classified as 'operational' in conformity with the Local Government Act 1993.
4. That any document relating to this matter be signed under the Common Seal of Council.
5. That all documentation in relation to this matter remain confidential to Council.

CARRIED

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

Against: Nil

CCL23/169 DUBBO REGIONAL COUNCIL AQUATIC LEISURE CENTRES REQUEST FOR PROPOSAL (RFP) (ID23/1415)

The Council had before it the report dated 2 June 2023 from the Manager Commercial Strategy regarding Dubbo Regional Council Aquatic Leisure Centres Request for Proposal (RFP).

Moved by Councillor V Etheridge and seconded by Councillor L Burns

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

CARRIED

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

1. That Council notes the assessment panel recommendation regarding the preferred proposal being Belgravia Leisure as per the information contained within the report.
2. That Council delegate the CEO to undertake negotiations with Belgravia Leisure to confirm costings regarding their proposal. Council then hold an extra ordinary meeting at noon 30 June 2023, for the purposes of determining either:
 - i. the operator of Dubbo ALC facilities, or
 - ii. that DRC continues to operate the three aquatic centres (Dubbo, Wellington and Geurie) as fully internal.
3. That all documentation in relation to this matter be signed under common seal of Council.

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT

4. That all documentation in relation to this matter remain confidential to Council.

CARRIED

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

Against: J Black and D Mahon.

CCL23/170 COMPULSORY ACQUISITION CONSIDERATIONS RELATING TO THE SOUTHERN DISTRIBUTOR ROAD (ID23/1508)

The Council had before it the report dated 9 June 2023 from the Manager Property and Land Development regarding Compulsory Acquisition Considerations Relating to the Southern Distributor Road.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

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

CARRIED

Moved by Councillor L Burns and seconded by Councillor M Wright

MOTION

1. That Council delegate to the Chief Executive Officer the power to negotiate an agreement with the relevant parties, and for the maximum amounts, as outlined in the body of this report.
2. That any agreements successfully negotiated in accordance with resolution no. 1 be executed by Council under Common Seal.
3. That all matters arising from this report remain confidential to Council.

CARRIED

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

Against: Nil

ORDINARY COUNCIL MEETING - 22 JUNE 2023
REPORT

CCL23/171 LITTLE RIVER BRIDGE RECONSTRUCTION - ADDITIONAL ROAD WIDENING ACQUISITION AGREEMENT - LOCALITY OF BENOLONG (ID23/884)

The Council had before it the report dated 27 April 2023 from the Property Services Officer regarding Little River Bridge Reconstruction - Additional Road Widening Acquisition Agreement - Locality of Benolong.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

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 V Etheridge and seconded by Councillor S Chowdhury

MOTION

1. **That Council proceed to acquire under the *Roads Act 1993*:**
 - (a) **394m2 of land as specified in the body of this report from the adjoining landowners;**
 - (b) **for the amount specified in the body of this report; and**
 - (c) **to accommodate telecommunications and stormwater infrastructure within the public road reserve.**
2. **That upon acquisition of the land described in resolution 1 (above), such land is to be dedicated as Operational Land in accordance with the *Local Government Act 1993*.**
3. **That the Council delegate to the Chief Executive Officer the power to finalise and execute any plans and documents required to be executed for the matter to be completed.**
4. **That any documents which may not be executed by the Chief Executive Officer under delegation be executed under Common Seal of Council.**
5. **That all documentation in relation to this matter remain confidential to Council.**

CARRIED

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

Against: Nil

The meeting closed at 9.12pm..

.....
CHAIRPERSON



REPORT EXTRAORDINARY COUNCIL MEETING 30 JUNE 2023

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

ALSO IN ATTENDANCE: The Chief Executive Officer, the Director Organisational Performance, the Governance Team Leader, the Governance Officer, the Manager Commercial Strategy, the Communication Services Team Leader, the IT Infrastructure Specialist, the Director Development and Environment and the Director Community, Culture and Places.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 12.00 pm 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 M Wright and the Acknowledgement Of Country was given by Councillor R Ivey.

CCL23/172 LEAVE OF ABSENCE (ID23/1602)

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

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

That such requests for leave of absence be accepted and Councillor P Wells be granted leave of absence from this meeting.

CARRIED

Councillors J Black and D Mahon attended via Audio-Visual Link

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

Against: Nil

CCL23/173 CONFLICTS OF INTEREST (ID23/1603)

There were no Conflicts of Interest declared.

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CCL23/174 PUBLIC FORUM (ID23/1616)

There were no speakers in public forum.

CONFIDENTIAL

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

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

- *CCL23/175 - Dubbo Regional Council Aquatic Leisure Centres Request for Proposal (RFP)* (Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.

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

At this juncture it was moved by Councillor S Chowdhury and seconded by Councillor J Gough that the Council resolves into closed session, the time being 12.03 pm.

The open session resumed at 12.50pm.

The Governance Team Leader read out the following resolutions made in the closed session in Council.

CCL23/175 DUBBO REGIONAL COUNCIL AQUATIC LEISURE CENTRES REQUEST FOR PROPOSAL (RFP) (ID23/1578)

The Council had before it the report dated 23 June 2023 from the Manager Commercial Strategy regarding Dubbo Regional Council Aquatic Leisure Centres Request for Proposal (RFP).

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

MOTION

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

CARRIED

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

EXTRAORDINARY COUNCIL MEETING - 30 JUNE 2023
REPORT

1. That Council continue to operate the three aquatic centres (Dubbo, Wellington and Geurie) as fully internal.
2. That all documentation in relation to this matter be signed under common seal of Council.
3. That all documentation in relation to this matter remain confidential to Council.

LOST

For: Councillors J Black and J Gough.

Against: Councillors R Ivey, M Wright, S Chowdhury, M Dickerson, V Etheridge and D Mahon.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

1. That Council award the management of the Dubbo Regional Council Aquatic centres to Belgravia Leisure under a fully external management model for \$1,487,336 (excluding GST) per annum with annual increases as specified in the proposal.
2. That all documentation in relation to this matter be signed under common seal of Council.
3. That all documentation in relation to this matter remain confidential to Council.

CARRIED

For: Councillors R Ivey, M Wright, S Chowdhury, M Dickerson, V Etheridge and D Mahon.

Against: Councillors J Black and J Gough.

The meeting closed at 12.52 pm.

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CHAIRPERSON

INFORMATION ONLY MATTERS

CCL23/181 Status of Notices of Motion - Quarterly Update

Attachment 1: Updated report on Notices of Motions July 2023..... 29

Updated report on Notices of Motions - July 2023			
Completed			
In Progress			
Outstanding			
CCL23/11 - Donations of Park Benches Manager of Recreation and Open Spaces	Ordinary Council Meeting 09/02/2023	Councillor Gough	ID23/51 - MROS
<ol style="list-style-type: none"> 1. That the CEO provide report to Council investigating the development of a Council Policy that provides the public the opportunity to plant trees, donate park benches and other approved structures or furniture, and have them dedicated to family or members of our community who have made a significant contribution. 2. That an assessment criteria for the donation be made of a seat, structure, furniture or planting of a tree be established and approved to ensure that the values and standards of our community are upheld. 3. That the associated costs are in the purchase, installation and ultimate replacement of the memorial are not borne by Dubbo Regional Council. 4. That identifies that the cost in maintaining and or/replacement of the plaque remains with the family or group establishing the memorial. 			
In Progress: Update 30/06/2023 – A report went to Council on the 27 April 2023. Now working on developing the management policy based on the report and then will look to go out to public exhibition with the policy.			

CCL22/237 River Repair Bus Director Community Culture and Places	Ordinary Council Meeting 21/09/2022	Councillor Black	ID22/1975
<p>1. That the Chief Executive Officer provide a report detailing how the work previously carried out by the “River Repair Bus” organisation under council’s previous funding arrangements is now being done, and the current cost to council for that work.</p> <p>2. That the options for re-funding the activity be outlined in the report.</p>			
<p>Completed:</p> <p>2023/2024 Budget adopted.</p>			

CCL22/180 – Disability Access and Inclusion Advisory Committee Director Community Culture and Places	Ordinary Council Meeting 28/07/2022	Councillor Wells	ID22/1478
<p>That the Director Community Culture and Places provide to the August 2022 Council meeting a report on the proposed Disability Access and Inclusion Advisory Committee with Councillor representatives, and a draft Terms of Reference to be determined.</p>			
<p>Completed:</p> <p>Members have been advised they were successful in being selected on the committee. First meeting to occur Monday 24 July 2023.</p>			

CCL22/9 – Development of a Multicultural Park at Elizabeth Park Director Community Culture and Places	Ordinary Council Meeting 27/01/2022	Councillor Chowdhury	ID22/71
<p>1. That the CEO provide a report to Council identifying the feasibility of incorporating a multicultural park element into the Dubbo Elizabeth Park, or as an alternative site, to recognise and celebrate the multicultural diversity of the Dubbo region.</p>			

<p>2. That as part of the report the Elizabeth Park Master Plan 2011 be considered for review and updating to reflect the works completed and what is proposed.</p> <p>3. That the mother language monument promotes the preservation and protection of all languages.</p>
<p>In Progress:</p> <p>First draft of the Elizabeth Park Master plan has been completed. There is a body of work still to be undertaken including community feedback, waiting outcome of Wiradjuri Tourism Experience development progress. \$20,000 has been allocated in the 2023/2024 budget for design work so this could commence soon.</p>

<p>CCL22/236 – Update of Dubbo’s City Wide Passive Open Space and Sporting Field Possible Locations</p> <p>Director Community Culture and Places</p>	<p>Ordinary Council Meeting 21/09/2022</p>	<p>Councillor Black</p>	<p>ID22/1975</p>
<p>1. That Council note that Dubbo Regional Council strategic documents predict a shortfall of passive open space and a lesser shortfall in sporting fields in Dubbo.</p> <p>2. That the Chief Executive Officer produce a report at the same Ordinary Meeting of Council at which the Draft Master Plan, will be considered, detailing all available Council owned or administered land that could be used for passive open space and for sporting fields, and where both could be provided, in order to best inform Councillors and the community in respect of the latest predictions in relation to the current and future need for public open space and sporting fields, given population projections and future subdivision developments.</p> <p>3. That Council notes in respect of the Landscape Master Plan for Macquarie River’s North and South Precincts that council is committed to achieving the best outcome based on the most accurate data and is not working to a rigid or predetermined timeframe.</p>			
<p>Completed:</p> <p>The Macquarie River Master Plan (North and South precinct) was adopted by Council on 23 March 2023. In December 2022 Council’s Manager Recreation and Open Space provided Councillors with a memo uploaded onto the HUB which details all available Council owned or administered land that could be used for passive open space and a lesser shortfall in sporting fields in Dubbo.</p>			

CCL22/239 Lighting Audit of Cameron Park, Wellington Director Community Culture and Places	Ordinary Council Meeting 21/09/2022	Councillor Gough	ID22/1975
<ol style="list-style-type: none"> 1. That Council undertake a lighting audit of Cameron Park, Wellington, considering a minimum public safety and opportunities to encourage greater pedestrian activity. 2. That the results of the audit be reported to Council and that ant infrastructure recommendations be considered in the adoption of the draft 2023/2024 Operational Plan Budget. 			
Completed: As per the council resolution in December 2022, \$250,000 has now been allocated to this project in the 2023/2024 budget and the work will be scheduled and completed this year.			

CCL23/70 Christmas Campaign DSPE, EDTL	Ordinary Council Meeting 23/03/2023	Councillor Chowdhury	ID23/395
<ol style="list-style-type: none"> 1. That as part of the draft 2023/2024 operational plan and budget process the covering report from the CEO identify potential options and costs for improving place – based activation to celebrate the festive season within Dubbo and Wellington central business districts, in addition to increasing engagement with local business community through campaigns and collaboration. 2. That budget to increase place-based activation to celebrate the festive season be considered by Council in the drafting of the 2023/2024 operational budget. 			
In Progress: A report was sent to Corporate Services Committee meeting held on 13 July 2023. Outcome will be as per Council Resolution, from the Ordinary Council meeting to be held on 27 July 2023.			

CCL23/100 Repatriation of Axe Grinding Groove Rock from Wiradjuri Park to Terramungamine EA-CEO, DCCP	Ordinary Council Meeting 27/04/2023	Councillor Burns	ID23/808
<ol style="list-style-type: none"> 1. That the CEO provide formal communications to Transport for NSW regarding the large rock to be repatriated to Terramungamine Reserve. 2. That the CEO facilitate relevant stakeholder meetings to progress this initiative including the cost of repatriation be covered by Transport for NSW as part of the new Dubbo bridge project. 			
In Progress: Director Community Culture and Places to facilitate further meetings and plans for this to occur.			

CCL23/122 Emergency Service Levy Increase CFO, GTL, MCG, DOP	Ordinary Council Meeting 25/05/2023	Councillor Ivey	ID23/1104
<ol style="list-style-type: none"> 1. That Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s): <ol style="list-style-type: none"> a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Service Levy (ESL) cost increase on council's for 2023/2024 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community; b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded. c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects; d. Calling on the NSW Government to take immediate action to: <ol style="list-style-type: none"> i. restore the ESL subsidy in 2023/24 ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government. 2. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress. 3. Council writes to the President of LGNSW seeking the Associations' ongoing advocacy to bring about a relief in the burden of Council's emergency services contribution. 4. That the impacts of the increase in the Emergency Services Levy be considered in the report to Council that determines the 2023/2024 Operational Plan and Budget. 			
Complete: No further action required.			

CCL23/125 – Proposal for a Dubbo Crime Summit GTL, DCCP, DOP, CFI, MCS	Ordinary Council Meeting 25/05/2023	Councillor Black	ID23/1159
That Council, through its Social Justice and Youth Committees, work with government agencies, non-government organisations and other stakeholders, to develop a Community Safety Strategy and associated Action Plan.			
In Progress:			
That Councillors have discussed this at a workshop held on 20/07/2023. The social justice advisory committee and the youth committee will be meeting on 1 August 2023 to workshop this matter.			

CCL23/123 - The Voice Referendum DCCP, DSPE, DOP, MCS, CSTL, MCG	Ordinary Council Meeting 25/05/2023	Councillor Wells	ID23/1079
<ol style="list-style-type: none"> 1. That Councillors attend a workshop to consider the educational material regarding the proposed Indigenous Voice to Parliament with a subsequent report to be provided to Council for consideration detailing any logistical or financial considerations. 2. That Council develop a program centred on information, education and participation to support the community to make an informed decision on this subject. 3. That council promote the importance of registering in the Australian Electoral Commission (AEC) to enable people to have a voice and counted vote. 			
In Progress:			
Councillors discussed at a workshop held on 20 July 2023.			

CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre MCG, DOP, DCCP	Ordinary Council Meeting 22/06/2023	Councillor Wells	ID23/1526
<ol style="list-style-type: none"> 1. That council note its support for the construction of an Alcohol and Other Drugs Rehabilitation Facility for the Dubbo Region. 2. That the CEO provide a report to the July 2023 Ordinary Meeting of Council addressing the financial, regulatory and legal matters around the provision of land for AOD Rehabilitation Facility. 			
In Progress: A report is provided at the Ordinary Council meeting 27 July 2023.			
CCL23/155 – Resilience Actions MCG, DI	Ordinary Council Meeting 22/06/2023	Councillor Ivey	ID23/1429
<ol style="list-style-type: none"> 1. That the Chief Executive Officer provide a report to Council that sets strategies implemented, infrastructure projects completed by Council which will provide greater resilience for our region should it move back into drought conditions. 2. That to also be included in this report any other strategies or projects which are being considered or should be considered to further enhance the drought resilience within our Local Government Area. 			
In Progress: Report being prepared for the Infrastructure Planning and Environment Committee meeting, to be held on 10 August 2023.			
CCL23/154 – Audit of Signs Across the Urban Areas of the LGA DSPE	Ordinary Council Meeting 22/06/2023	Councillor Ivey	ID23/1278
That the CEO provide a report to Council in September 2023 on the accuracy and quality of the signage for which Council has responsibility, across the urban areas of the Local Government Area.			
In Progress: A report is being prepared for the Ordinary Council meeting, to be held 28 September 2023.			

NOTICES OF MOTION

CCL23/186 Notice of Motion for Existing and Future Rest Area for Freight Traffic

Attachment 1: NOM - Clr S Chowdhury - Existing and Future Rest Area for Freight Traffic 40

Councillor Shibli Chowdhury
PO Box 81
DUBBO NSW 2830

20 July 2023

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

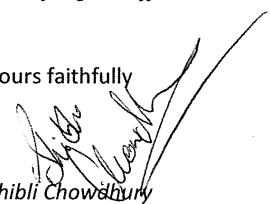
Dear Murray

NOTICE OF MOTION – UPDATE ON THE STATUS OF REST AREAS

I would like to place the following notice of motion on the agenda for the 27 July 2023 Ordinary meeting of Council.

That the Chief Executive Officer provide a report to the next available council meeting with an update from Transport for NSW on the status of existing and future rest areas for freight traffic surrounding the Dubbo urban area.

Yours faithfully



Shibli Chowdhury
Councillor

REPORTS FROM STAFF

**CCL23/187 Matters for Consideration Around Provision of Land to NSW
Health for the Purposes of an Alcohol and Other Drug Rehabilitation
Facility**

Attachment 1: Executed Funding Deed.....42



Australian Government
Department of Health

SCHEDULE FOR CAPITAL WORKS

This Schedule must be read and interpreted in conjunction with the "Terms and Conditions – Standard Funding Agreement: November, 2012" and "Annexure A – Supplementary Conditions for Capital Works".

Capitalised terms used in this Schedule that are not defined in the *Terms and Conditions – Standard Funding Agreement* are defined in *Annexure A - Supplementary Conditions for Capital Works*.

Schedule Id: 4-CVX4V77

- Item A DEPARTMENT'S PROGRAM INFORMATION**
- A.1 Program Name:** Community Health and Hospitals Program.
- A.2 Program Description and Program's Objectives:**
The Community Health and Hospitals Program is designed to support patient care while reducing pressure on community and hospital services.
- The primary objectives of the Community Health and Hospitals program are to provide additional funding in four key areas:**
- Specialist hospital services and critical health infrastructure such as cancer treatment; rural health; and hospital and research infrastructure;
 - Drug and alcohol treatment and rehabilitation;
 - Preventative health, primary care, chronic disease management, including palliative care; and
 - Mental health.
- Item B YOUR ORGANISATION'S ACTIVITY INFORMATION (see also clause 11.4 of the Terms and Conditions)**
- B.1 Name of Your Organisation:** Dubbo Regional Council
- B.2 ABN:** 53 539 070 928
- B.3 Activity Name:** Drug and Alcohol Detoxification and Rehabilitation Facility - Dubbo.
- B.4 Activity Start Date:** The date this Agreement is executed.

- B.5 Activity End Date:** The date that is the last day of the Designated Use Period.
- B.6 Activity Details:**
The Activity consists of:
- (a) facilitating the construction of a drug and alcohol detoxification and rehabilitation facility in the Greater Dubbo Regional Council Local Government Area (LGA); and
 - (d) the use of the Property, the Works and the Assets for the Designated Use throughout the Designated Use Period.
- B.7 Aim of the Activity: (see clause 2.1.1 b of the Terms and Conditions)**
The Aim of the Activity is to:
- establish a drug and alcohol detoxification and rehabilitation facility in the Greater Dubbo Regional Council LGA; which will provide services that meet the current and future health care needs of the area for drug and alcohol intervention; and
 - reduce public health care costs in the medium to long term by decreasing preventable hospital admissions
- that is used for the Designated Use for at least the Designated Use Period to help to achieve the Program's Objectives.
- B.8 The Property**
The Property is to be located in the Greater Dubbo Regional Council LGA.
- B.9 Use Agreement (see Supplementary Condition 5.4)**
A Use Agreement is not required.
- B.10 Builder Side Deed (see Supplementary Condition 15)**
A Builder Side Deed is not required.
- B.11 Activity Material: (see Supplementary Condition 8.5)**
Not applicable.
- B.12 Infrastructure Projects Facilitator and Independent Certification: (see Supplementary Condition 17)**
Not applicable.

B.13 Designated Use (see Supplementary Condition 23)
 The Designated Use is for the operation of a drug and alcohol detoxification and rehabilitation facility in the Greater Dubbo Regional Council LGA

B.14 Designated Use Period (see Supplementary Condition 23)
 The Designated Use Period is the period commencing on the date that Your Organisation completes the project and expiring five (5) years after that date.

B.15 Requirements in relation to Lease and Agreement for Lease (see Supplementary Condition 5.4.3)

Not applicable

Item C FUNDING AND BANK ACCOUNT INFORMATION

C.1 Funding (see also clause 3 of the Terms and Conditions and Supplementary Condition 3)

The maximum amount of Funds payable by the Department to Your Organisation under this Agreement is the amount set out in the table below.

The funding enclosed in this agreement constitutes the entirety of the funding allocated to this project under this Program.

The Department will pay the Funds specified in Item F when Your Organisation achieves the Milestones in the Milestone Schedule in Item F.

Funding Amount (GST exclusive)	GST component (if applicable)	Total amount (GST inclusive)
\$3,000,000	N/A	\$3,000,000

C.2 Bank Account Information

Your Organisation must notify the Department in writing of any changes to these account details:

BSB Number	082182
Financial Institution	NAB
Account Number	633001817
Account Name	Dubbo Regional Council

Item D OTHER CONTRIBUTIONS AND BUDGET

D.1 Other Contributions (see clause 3.8 of the Terms and Conditions and Supplementary Condition 7)

Not applicable.

D.2 Budget (see clause 3.5 of the Terms and Conditions and Supplementary Condition 8.1)

The Budget to be provided by Your Organisation must:

- a. be consistent with the Activity Work Plan;
- b. show proposed expenditure per financial year; and
- c. be in a format consistent with the following table and include contingency allowance and interest earned on the Funds payable under this Agreement.

Financial Year	Budget Line Items to be paid from Funds payable under this Agreement	Budget Amount (\$GST inclusive)	Time-Frames

D.3 Percentage for purposes of clause 3.5.2 of the Terms and Conditions: 10%.

Item E REPORTS (see clause 2.3 of the Terms and Conditions)

Your Organisation must provide the following Reports to the Department via email to capital@dss.gov.au who will provide you with a reporting template.

E.1 Monthly Reports from Commencement Date to date that Your Organisation Completes the Project.

Not applicable.

E.2 Final Report after Completion of the Project

The Final Report must be sent to the Department within three calendar months after the date that Your Organisation completes the project.

E.3 Reports during the Designated Use Period

The Reports during the Designated Use Period must be sent to the Department within one calendar month of each anniversary of the date that Your Organisation completes the project.

E.4 Financial Acquittal Reports (see clause 2.3 of the Terms and Conditions)

A Financial Acquittal Report in accordance with clause 2.3 of the Terms and Conditions must be sent to the Department within three calendar months after the date that Your Organisation completes the project.

The Department may, by reasonable prior written notice, vary the financial acquittal requirements that apply to Your Organisation.

E.5 Other Reports

Your Organisation must provide Progress Reports to the Department in accordance with the time frames specified in the Milestone Schedule below.

Item F MILESTONE SCHEDULE

Your Organisation must perform the Activity in accordance with the time frames specified in the Milestone Schedule below.

The amount of Funds specified in respect of each Milestone in the Milestone Schedule will be paid by the Department to Your Organisation within 30 days of Your Organisation achieving the Milestone to the satisfaction of the Department.

MILESTONE SCHEDULE

REQUIREMENTS FOR MILESTONE TO BE ACHIEVED	DATE BY WHICH MILESTONE REQUIREMENTS TO BE ACHIEVED	FUNDS TO BE PAID WHEN MILESTONE REQUIREMENTS ARE ACHIEVED (\$GST exclusive)
<p>Milestone 1 Activity Details</p> <p>Your Organisation has provided the Department with a plan for this project including:</p> <p>Dubbo Regional Council to provide a business case for the establishment of a Drug and Alcohol Detoxification and Rehabilitation facility in the Dubbo Local Government Area.</p>	<p>31 May 2020</p>	<p>\$1,500,000</p>
<p>Milestone 2 – Progress Report</p> <p>Your Organisation has provided the Department with a Progress Report including:</p> <p>Dubbo Regional Council to provide a report on the outcome of the negotiations with the NSW State Government on their position on the remaining construction costs and ongoing running costs for the establishment of a Drug and Alcohol Detoxification and Rehabilitation facility in the Dubbo Local Government Area.</p>	<p>30 June 2020</p>	<p>\$0.00</p>

Standard Funding Agreement Schedule – Capital Works

<p>If the NSW State Government fund the construction and ongoing running costs for the facility Council will establish a Project Control Group to work with community and stakeholders to ensure the facility reflects the desires of the Community outlined in the business case.</p>		
<p>Milestone 3 – Activity Work Plan</p> <p>Your Organisation has provided the Department with:</p> <ul style="list-style-type: none"> • An Activity Plan and Budget accepted by the Department. 	31 July 2020	\$1,500,000
<p>Milestone 4 – Progress Report</p> <p>Your Organisation has provided the Department with a Progress Report including:</p> <p>Dubbo Regional Council to provide a final and signed contract prepared by the successful tenderer for the transfer of funds and funds for the construction of a residential rehabilitation facility.</p>	30 September 2020	\$0.00
<p>Milestone 5 - Completion of the Project</p> <p>Your Organisation has provided the Department with:</p> <ul style="list-style-type: none"> • a letter signed by the Senior Executive certifying that the project is under construction or completed; • photographic evidence that the facility is under construction or complete and providing a service as described under Item B7; and • Final Report in accordance with Item E2 and a Financial Acquittal Report in accordance with Item E4. 	30 April 2021	\$0.00

Item G INSURANCE REQUIREMENTS (see also clause 9.3 of the Terms & Conditions and Supplementary Conditions 9 and 21)

Prior to commencement of the Works:

Your Organisation must obtain and maintain the following types and amounts of insurance:

- a. to the extent required by Law, workers compensation insurance in respect of Your Organisation's liability for any loss or claim by a person employed or otherwise engaged, or deemed to be employed or otherwise engaged, by Your Organisation in connection with the Activity; and
- b. public liability insurance covering legal liability (including liability assumed under contract) for loss or damage to property or injury or death to persons arising out of or in connection with carrying out the Activity, up to a maximum limit of twenty million dollars (\$20,000,000), with no limit on any one claim or occurrence giving rise to a claim.

Your Organisation must ensure that the head contractor engaged to carry out the Works obtains and maintains the following types and amounts of insurance:

- c. contractor's all risks works policy covering loss or damage to the Works and any temporary work including materials stored off-site or in transit, for the full reinstatement and replacement cost of the Works including:
 - i. the full amount of the cost to Your Organisation to construct the Works (Works Cost);
 - ii. a further amount reasonably sufficient for consultants' fees (to be not less than 5% of the Works Cost);
 - iv. a reasonable contingency for escalation costs,

and Your Organisation must ensure that the policy specified in this Item G c. to be taken out by the building contractor is project insurance under which the Commonwealth, Your Organisation, the builder, the Subcontractors, the Sub-subcontractors, the Property owner (where applicable) and the Property owner's mortgagee (where applicable) are named insureds for their various and respective, rights, interests and liabilities. The policy must cover each insured in respect of the whole of the Works. The policy must contain cross liability and waiver of subrogation clauses in respect of the parties comprising the named insureds;

- d. public and products liability policy covering legal liability (including liability assumed under contract) for loss or damage to property or injury or death to persons arising out of or in connection with carrying out the Works, up to a maximum limit of twenty million dollars (\$20,000,000), with no limit on any one claim or occurrence giving rise to a claim; and

- e. if asbestos decontamination work is required as part of the Works, an asbestos liability policy in respect of the risks associated with asbestos decontamination work, up to a maximum limit of twenty million dollars (\$20,000,000), with no limit on any one claim or occurrence giving rise to a claim.

Your Organisation must ensure that the building contractor causes each professional service provider to hold a professional indemnity policy in the amount of ten million dollars (\$10,000,000) or such other amount as agreed in writing by the Department, to cover its liability for breach of professional duty (if applicable) arising out of any negligence, whether in relation to errors in design, documentation, supervision or other professional duties. Such cover must extend to liability for personal injury, illness or death of anyone in connection with the provision of professional services or as a result of breach of professional duty and must be maintained for a period of at least 7 years following the achievement of Practical Completion of the Works.

Upon Practical Completion and during the Designated Use Period:

Your Organisation must obtain and maintain the following types and amounts of insurance:

- a. professional indemnity insurance for not less than ten million dollars (\$10,000,000) or such other amount as agreed in writing by the Department, to cover liability for personal injury, illness or death arising out of a breach of professional duty and which must be maintained until 7 years after the end of the Designated Use period;
- b. public liability policy covering legal liability (including liability assumed under contract) for loss or damage to property or injury or death to persons arising out of or in connection with carrying out the Activity, up to a maximum limit of twenty million dollars (\$20,000,000), with no limit on any one claim or occurrence giving rise to a claim;
- c. where it is the owner of the Property, building and contents insurance to cover loss, damage and destruction for their full reinstatement value, noting the Commonwealth's interest; and
- d. where it occupies the Property under a Lease, contents insurance to cover loss, damage and destruction for their full reinstatement value, noting the Commonwealth's interest.

Insurance requirements for Assets (see clause 5.1.4 e. of the Terms and Conditions)

In respect of each Asset for the Activity, for the duration of the Activity Period Your Organisation must maintain insurance for each Asset to its full replacement cost, noting the Commonwealth's interest.

Item H ASSETS (see clauses 5.1 and 11.4.1 of the Terms & Conditions)
The amount for the purposes of clause 11.4.1 of the Terms and Conditions definition of Asset a.ii is five thousand dollars (\$5,000).

Item I SUBCONTRACTORS (see clause 4.2 of the Terms & Conditions and Supplementary Condition 9)
Your Organisation may, without the Department's prior written consent, procure appropriately qualified Subcontractors to carry out the design, construction and fit-out of the Works in accordance with the terms and conditions of this Agreement.

Item J SPECIFIED PERSONNEL (see clause 4.3 of the Terms & Conditions)
Not applicable.

Item K CONFIDENTIAL INFORMATION (see clause 8.1 of the Terms & Conditions)

Information of, or provided by the Commonwealth that;

- I. is by its nature confidential;
- II. is designated by the Commonwealth as confidential; or
- III. the Organisation knows or ought to know is confidential;

other than material that;

- IV. is or becomes public knowledge other than by breach of this agreement or unlawful means;
- V. is in possession of the Organisation without restriction in relation to disclosure before the date of receipt from the Commonwealth; or
- VI. has been independently developed or acquired by the receiving Party.

Item L NOTICES (see clause 4.5 of the Terms & Conditions)

The Commonwealth's contact details and address for notices:

Name or Position	Director
	Community Grants Hub, Capital Grants Centralised Performance Team
Phone	1800 044 584 (Option 2)
Email	capital@dss.gov.au
Postal Address	GPO Box 9820, Hobart TAS 7001

Your Organisation's contact details and address for notices:

Name or Position	Michael McMahon Chief Executive Officer
Phone	(02) 68014404
Email	mgm@dubbo.nsw.gov.au
Postal Address	Corner of Church and Darling Streets, Dubbo, NSW, 2830

Item M SECURITIES (see Supplementary Condition 6)

Not applicable.

Item N REPAYMENT AMOUNT (see Supplementary Condition 26.2)

The repayment amount will be calculated according to the following formula:

$$\text{Repayment} = F - (F \times Y / \text{DUP})$$

where:

F is the total of all Funds paid by the Department to Your Organisation for the Activity plus any interest earned on those Funds, but excluding all Funds that have been previously recovered under this Agreement from Your Organisation by the Department;

Y is the number of completed months since the commencement of the Designated Use Period that the Property and the Works have been used for the Designated Use, or if the Designated Use Period has not yet commenced Y is zero; and

DUP is the number of months in the Designated Use Period.

Item O RELEVANT QUALIFICATIONS, CHECKS, LICENCES OR SKILLS

The Grantee must ensure that a person does not perform work on any part of the Activity that involves working or contact with a Vulnerable Person if a Police Check indicates that the person at any time has:

- (a) a Serious Record; or
- (b) a Criminal or Court Record; and

the Grantee has not conducted a risk assessment and determined that any risk is acceptable.

In undertaking a risk assessment, the Grantee must have regard to:

- (a) the nature and circumstances of the offence(s) on the person's Criminal or Court Record and whether the charge or conviction involved Vulnerable Persons;
- (b) whether the person's Criminal or Court Record is directly relevant to, or reasonably likely to impair the person's ability to perform, the role that the person will, or is likely to, perform in relation to the Activity;
- (c) the length of time that has passed since the person's charge or conviction and his or her record since that time;
- (d) the circumstances in which the person will, or is likely to, have contact with a Vulnerable Person as part of the Activity; and
- (e) any other relevant matter, and must ensure it fully documents the conduct and outcome of the risk assessment.

The Grantee agrees to notify the Commonwealth of any risk assessment it conducts under this clause and agrees to provide the Commonwealth with copies of any relevant documentation on request.

If during the term a person involved in performing work on any part of the Activity that involves working or contact with a Vulnerable Person is:

- (a) charged with a Serious Offence or Other Offence, the Grantee must immediately notify the Commonwealth; or
- (b) convicted of a Serious Offence, the Grantee must immediately notify the Commonwealth and ensure that that person does not, from the date of the conviction, perform any work or role relating to the Activity.

In this Agreement:

Vulnerable Person means

- (a) an individual under the age of 18;
- (b) an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation for any reason, including age, physical or mental illness, trauma or disability, pregnancy, the influence, or past or existing use, of alcohol, drugs or substances or any other reason.

Before any person commences performing work on any part of the Activity that involves working or contact with a Vulnerable Person, the Grantee must:

- (a) obtain a Police Check for that person;
- (b) confirm that the person is not prohibited by any law from being engaged in a capacity where they may have contact with a Vulnerable Person;
- (c) comply with all State, Territory or Commonwealth laws relating the employment or engagement of persons in any capacity where they may have contact with a Vulnerable Person; and

- (d) ensure that the person holds all licences or permits for the capacity in which they are to be engaged, including any specified in the Grant Details, and the Grantee must ensure that Police Checks and any licences or permits obtained remain current for the duration of their involvement in the Activity.

Annexures applicable to this Schedule

Annexure A - Supplementary Conditions for Capital Works.

Signatories to this Agreement

Parties

Commonwealth of Australia ("Commonwealth"), as represented by and acting through The Department of Health ABN 83 605 426 759, GPO Box 9848 CANBERRA ACT 2601 ("Department")

Dubbo Regional Council ABN 53 539 070 928 of Corner of Church and Darling Streets, Dubbo NSW 2830 ("Your Organisation")

Executed by the Parties as a DEED on the 30 day of March Year 2020

The Parties agree that by signing this Schedule they enter into the Agreement, which comprises this Schedule (including its Annexures and any Supplementary Conditions), the attached Cover Letter, the enclosed document entitled 'Terms and Conditions Standard Funding Agreement' and any other documents incorporated by reference.

Signed, Sealed and Delivered for and on behalf of the Commonwealth of Australia by the relevant Delegate, represented by and acting through the Department of Health ABN 83 605 426 759 in the presence of:

(Signature of Departmental Representative)  30.3 /2020

(Name of Departmental Representative) Mark Fitzgerald


(Signature of Witness)  30.3 /2020

(Name of Witness in full) Louise Anasson

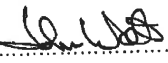
Other

Signed, Sealed and Delivered by Dubbo Regional Council, ABN: 53 539 070 928

in the presence of:

(Signature of Party)  30/3 /2020

(Name of Party) MICHAEL McMAHON, CEO

(Signature of Witness)  30/3 /2020

(Name of Witness in full) JON WILLIAM BROWN WARD

CCL23/188 Coalition of Regional Energy Mayors (CoREM)

Attachment 1: Invitation - Coalition of Regional Energy Mayors
CoREM Including Terms of Reference.....57

OFFICE OF THE MAYOR



18 May 2023

Your ref:

Our ref: AINT/2023/09306

Cr Mathew Dickerson
Mayor
Dubbo Regional Council
Via email to: mayor@dubbo.nsw.gov.au

Dear Mathew,

Invitation to join the Coalition of Energy Mayors (CoREM)

On behalf of the Board, I write to formally invite you to join the Coalition of Energy Mayors (CoREM).

As the Mayor of Dubbo Regional Council you will be well aware that the imposition of a Renewable Energy Zone (REZ) on a Local Government Area (LGA) will have a significant impact, both positive and negative. To date, LGAs have not been sufficiently engaged or consulted by state government bodies such as the Energy Corporation, Department of Planning & Environment or the renewable energy proponents, yet we are the ones who will bear the social and financial burden.

By joining together as a coordinated group of LGAs hosting renewables projects we will benefit by sharing information of what works and what does not. We will have greater clout in terms of lobbying government and government departments. Most importantly, by adopting a coordinated approach, we will be better able to shape the way renewable energy proponents operate in our LGAs.

I welcome you to join us in this Coalition. Please find attached the Terms of Reference for your consideration. To accept this invitation, please formalise your acceptance in writing by return email to [REDACTED]. Upon receiving your acceptance, an invoice for your initial contribution of \$5,000 to CoREM will be sent for payment by Armidale Regional Council.

Please contact me on [REDACTED] or by email at [REDACTED] if I can be of further assistance.

Yours sincerely

A large black rectangular redaction box covering the signature of the Mayor.

Sam Coupland
Mayor

Encl: Terms of Reference - Coalition of Energy Mayors

Terms of Reference

Coalition of Regional Energy Mayors (CoREM)

28 April 2023

1. Rationale

The imposition of a Renewable Energy Zone (REZ) on a Local Government Area (LGA) will have a significant impact, both positive and negative. To date, LGAs have not been sufficiently engaged or consulted by state government bodies such as the Energy Corporation, Department of Planning & Environment or the renewable energy proponents, yet LGAs are the ones who will bear the social and financial burden.

By joining together as a coordinated group of LGAs hosting renewables projects we will benefit by sharing information of what works and what does not. We will have greater clout in terms of lobbying government and government departments. Most importantly by adopting a coordinated approach we will be better able to shape the way renewable energy proponents operate in our LGAs.

2. Objectives

The objectives of CoREM will be to

- Set expectations and hold renewables proponents to account when developing in our LGAs.
- Be an effective lobbying force to government and government bodies.
- Be the “authority” of all things REZ as it relates to individual LGAs.

3. Structure

CoREM will remain an agile unincorporated entity in the form of a Voluntary Regional Organisation of Councils in accordance with the exceptions provided under s.358(1)(b) of the *Local Government Act 1993*.

To achieve this CoREM will:

- Establish a Board consisting of the entire membership.
- Establish from the Board membership an Executive as follows:
 - Four members from the Board; plus

- Chair (note Armidale Regional Council appointed as the initial Chair).
 - Two year term commencing April 2023 – April 2025.
 - Chair and Secretariat from the same Council.
- Require a financial contribution from members:
 - \$5,000 per participating LGA on joining
 - Further contribution as determined by the Executive and voted by the membership.
- Responsibilities of the Chair / Secretariat:
 - Facilitating the decisions of the Board and members
 - Managing the financials
 - Managing the contact list
 - Organising meetings
 - Other tasks as directed by the Executive.

4. Decision making

Decision making will be by majority vote (resolution).

5. Eligibility for Membership

Mayors and General Managers of:

- LGAs within a designated Renewable Energy Zone
- LGAs that neighbour a Renewable Energy Zone
- Other LGAs by request.

6. Invitation to join CoREM

Invitation to join CoREM will be ratified by a majority vote of the Board, exercised by the Chair.

7. Membership Contribution

LGAs seeking to join CoREM are required to make an upfront contribution of \$5,000 which they authorise the lead council (host Council of the Chair and Secretariat) to utilise for achievement of the objectives of CoREM. Contributions will be held on behalf of CoREM in a reserve of the lead Council. If there is a change in the Chair, this will be handed over to the Council of the Chair for administration.

8. Additional Contributions

Additional contributions may be sought from member LGAs by resolution of CoREM.

9. Cessation of Membership

A member of CoREM can request to leave CoREM by advising the Chair in writing. All financial contributions made to date will be retained by CoREM.

10. Removal of a Member LGA

CoREM may determine to remove a member via majority vote of the Board.

11. Dissolution of CoREM

CoREM may be dissolved via a majority vote of the Board. Any uncommitted contributions would be returned to CoREM members.

12. Delegation to the Chair

- Official correspondence and advocacy activities on behalf of CoREM
- Authorisation of expenditure by the Secretariat for the reasonable expenses incurred by CoREM in pursuit of its objectives.
- Approval of agenda.
- Development and maintenance of website.
- Statements to the media.
- Social media publication.
- Authorising instructions for legal advice.
- Any other powers as resolved by CoREM.

13. Delegation to the Secretariat

- Up to \$2,500 per month of expenditure upon authorisation from the Chair in order to undertake activities to achieve the objectives of CoREM.
- Publication to website and social media upon direction from the Chair.
- Authorising instructions for legal advice upon direction from the Chair.
- Establishment and operation of bank account in the name of the lead council to hold financial contributions.
- Operation of the bank account to fulfil the objectives of CoREM.
- All other powers as resolved by CoREM.

14. Confidentiality

Chatham House rules will apply whereby members are free to use the information received but neither the identity nor the affiliation of the speaker(s) may be revealed. Members are requested to use discretion.

15. Joint and Several Liability

Any member LGA is only liable to the maximum amount of any contributions made to date. No members of CoREM are individually responsible for and debts incurred or torts committed in the name of CoREM.

16. Conduct of Meetings

Guiding principles of the group are:

- Be informed and contribute;
- Freely share information among the group;
- Be honest and objective;
- All members are equal; and
- Chatham House rules apply.

17. Priorities / Focus

CoREM will develop and continually update the priorities of the group with a focus on the near term, mid-term and long term.

18. Amendments the Terms of Reference

Amendments to the Terms of Reference may be made by resolution (majority vote) of CoREM.

**CCL23/189 Draft Bindari Estate Development Control Plan - Results of
Public Exhibition**

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Attachment 2:	Submissions	100



Bindari Estate Development Control Plan

Lot 103 DP1286114

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Part 1 Introduction

1.1. Name of this Plan

This Development Control Plan (DCP) is known as Bindari Estate Development Control Plan (the Plan).

1.2. Land to which this Plan applies

This Plan applies to Lot 103 DP1286114, identified in **Figure 1 below**.



Figure 1 – Area to which this Plan applies

1.3. Purpose of this Plan

The purpose of this Plan is to provide detailed planning and design guidelines for land within the South-East Urban Release Area, in line with Part 6 of the Dubbo Regional Local Environmental Plan 2022.

The purpose of this Plan is to:

- Provide guidance to developers/applicants/builders in the design of development to which this Plan applies;
- Communicate the planning, design and environmental objectives and controls against which the consent authority will assess development applications;
- Provide guidance on the orderly, efficient and environmentally sensitive development of the Bindari Estate;
- Create an attractive neighbourhood by encouraging high quality urban design outcomes and protecting environmental assets;
- Promote quality urban design outcomes within the context of environmental, social and

- economic sustainability; and
- Enhance both existing and future traffic connectivity and parking provision along Hennessy Drive

1.4. Statutory Context

This Plan has been prepared by Council in accordance with Section 3.43 of the Environmental Planning and Assessment Act, 1979 (the Act), Part 2 of the Environmental Planning and Assessment Regulation 2021 (the Regulation), and Clause 6.3 of the Dubbo Regional Local Environmental Plan 2022 (LEP).

1.5. Adoption and Commencement

This Plan was adopted by Council at the meeting on 27 July 2023 and commenced on 31 July 2023.

1.6. Relationship to other Plans and Documents

Under the Act, Council is required to take into consideration the relevant provisions of any Environmental Planning Instrument (EPI) and this Plan when determining a development application on land to which this Plan applies. Compliance with any EPI or this Plan does not infer development consent will be granted.

The provisions of this Plan must be read in conjunction with any relevant EPI. In the event of any inconsistency between an EPI and this Plan, the provisions of the EPI prevail.

1.7. Relationship to the Dubbo Development Control Plan 2013

The provisions of this Plan should be read in conjunction with other relevant provisions of the Dubbo Development Control Plan 2013. In the event of any inconsistency between this Plan and the Dubbo DCP 2013, the provisions of this Plan prevail.

Part 2 Residential Development and Subdivision

2.1. Residential Subdivision Controls

This section is designed to encourage 'best practice' solutions for the design of residential subdivisions. The achievement of pleasant, safe and functional subdivision is the main objective for any subdivision on the land.

The objectives of this section are:

- Subdivision facilitates the achievement of a pleasant, safe and functional neighbourhood;
- A mix of dwelling sizes are facilitated and complement the character of the area; and
- Low density residential accommodation is facilitated with economic use of infrastructure.

This section lists subdivision design elements under the following headings:

Element 1	Neighbourhood Design
Element 2	Lot Layout
Element 3	Street Design and Road Hierarchy
Element 4	Infrastructure
Element 5	Stormwater Management
Element 6	Water Quality Management
Element 7	Environmental Management
Element 8	Street Trees

Element 1. Neighbourhood Design**Objectives**

- The neighbourhood offers opportunities for social interaction;
- The neighbourhood has a coherent streetscape with a distinctive low density character;
- The neighbourhood design provides for the efficient movement of vehicles, pedestrians and cyclists; and
- Existing and future site constraints are considered early in the design process.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 The neighbourhood provides good internal and external connections for vehicle, pedestrian and cycle movements.	A1.1 Development is generally in accordance with the indicative layout plan in Figure 2 . A1.2 The neighbourhood is designed to allow a future link between this site and adjoining lands. A1.3 Pedestrian crossings are provided on Hennessy Drive so that pedestrians and cyclists can safely access existing shared pathways. A1.4 The neighbourhood minimises the use of battle-axe lots and cul-de-sacs. A1.5 The neighbourhood design enhances legibility and way-finding through an easily understood street layout.
P2 The neighbourhood maintains existing topography, drainage, stability and amenity of the site and adjoining sites.	A2.1 Excavation and/or filling must not change the natural ground level of the site by more than 1 metre.
P3 Neighbourhood design provides passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime.	A3.1 The subdivision layout minimises narrow pedestrian pathways between or behind the development. A3.2 The design of fencing does not reduce passive surveillance from the street.



Figure 2 – Indicative layout plan

Element 2. Lot Layout**Objectives**

- Lot sizes provide opportunities for a range of residential design and dwelling sizes;
- Attractive residential streets are created that improve the presentation of dwellings; and
- Subdivisions have direct access to a public road, rather than battle-axe lots, in order to maintain the residential amenity and character of the locality.

Performance criteria	Acceptable solutions
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 A range of lot types with varying areas, frontages and depths are provided to enable a mix of housing types and sizes.	<p>A1.1 Development complies with the minimum lot size requirements of the Dubbo Regional LEP 2022.</p> <p>A1.2 Lots are regular in shape.</p> <p>A1.3 Irregular shaped lots are only provided where topography and site hazards result in regular lots not being able to be achieved.</p> <p>A1.4 Where lots are irregular in shape, they are of a sufficient size and shape to accommodate development in accordance with this Plan.</p> <p>A1.5 Lots are oriented in an east-west direction to maximise solar access. Exceptions to this orientation may be considered where topography, drainage lines or other natural hazards prevent achievement.</p>
Lot frontage P2 Lots are a suitable configuration to reduce garage dominance in residential streets.	A2.1 The design of lots provides vehicular access to the rear or side of lots where front access is restricted or not possible.
Battle-axe lots P3 Battle-axe lots are avoided, but where provided, do not compromise the amenity of the streetscape, public domain and neighbouring lots.	<p>A3.1 Battle-axe lots are only provided where topography and site hazards result in regular lots not being able to be achieved.</p> <p>A3.2 Where provided, battle-axe lots are not located in a consecutive arrangement.</p> <p>A3.3 Where provided, battle-axe lots have an area larger than 4000m², excluding the access handle.</p>

Performance criteria	Acceptable solutions
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>A3.4 Where provided, a battle-axe handle must:</p> <ul style="list-style-type: none"> • be at least 7 metres wide; • not service more than one lot; • have a maximum length of 60 metres; • incorporate a landscaping strip with a minimum width of 1 metre; • allow vehicles to enter and exit in a forward direction; and <p>Not have reciprocal rights of way imposed on a S88B Instrument.</p>
<p>Cul-de-sacs P4 The subdivision layout shall minimise the use of cul-de-sacs.</p>	<p>A4.1 Cul-de-sacs are minimised. Where provided, the maximum number of dwellings served by the head of a cul-de-sac is three.</p> <p>A4.2 Sufficient area is provided at the head of cul-de-sacs for waste disposal vehicles to make a three-point turn.</p>
<p>Corner lots P5 Corner lots are of sufficient dimensions and size to enable residential controls to be met.</p>	<p>A5.1 Corner lots are designed to allow residential accommodation to positively address both street frontages.</p>
<p>Waste collection P6 The lot layout does not compromise waste collection services.</p>	<p>A6.1 Each lot must identify a waste collection area that is suitable for the presentation of three bins to be collected.</p> <p>A6.2 Waste collection areas must not obstruct other major traffic or property use including garage access.</p>

Element 3. Street Design and Road Hierarchy

Objectives

- Streets fulfil their designated function within the estate;
- A safe and convenient street environment is created for pedestrians and cyclists;
- The street network provides flexibility for future connections to adjoining sites;
- The efficiency, safety and function of Hennessy Drive is not impacted by vehicles entering and exiting the estate;
- The efficiency, safety and function of the street network is not impacted by on-street parking; and
- The street network accommodates public service utilities and drainage systems.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Hennessy Drive P1 The layout of the street network and location of lots does not interfere with the function, safety and efficiency of Hennessy Drive.	A1.1 Access to lots from Hennessy Drive is prohibited. A1.2 Only one access is provided from Hennessy Drive into the estate.
Function and width P2 The subdivision layout takes traffic generation into account to serve the future allotments to the east of the subject site.	A2.1 A Traffic Impact Assessment is included with any development application for subdivision. It must be prepared by a suitably qualified and experienced consultant and include: <ul style="list-style-type: none"> • Traffic generation rates; • Provision of a new intersection; • Analysis to determine storage requirements; and • Swept path analysis.
P3 The street network is sufficient to cater for all street functions, including: <ul style="list-style-type: none"> • Safe and efficient movement of all users; • Provision for emergency and service vehicles; • Provision for parked vehicles; • Provision for landscaping; • Location, construction and maintenance of public utilities; and • Stormwater conveyance. 	A3.1 Road reserve widths are a minimum of 16 metres wide and include a 8 metre wide central carriageway, kerb face to kerb face, as indicated in Figure 3 . A3.2 Roads are designed and constructed in accordance with Dubbo Regional Council's adopted AUS-SPEC#1 and Transport for NSW design standards.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Safety</p> <p>P4 The street network accommodates all pedestrians and cyclists and encourages a low speed traffic environment.</p>	<p>A4.1 Residential roads are designed and sign posted at a minimum of 50kph.</p> <p>A4.2 The street network incorporates the following speed control devices:</p> <ul style="list-style-type: none"> • Horizontal deflection devices; • Slow points; • Median islands; • Street narrowing; • Vertical deflection devices; • Speed humps and dips; and • Raised platforms at pedestrian crossings or thresholds. <p>A4.3 Road crossings at intersections comply with AS/NZS Australia Standard 1428 Design for Access and Mobility and incorporate tactile ground surface indicators and requirements for people with a disability.</p> <p>A4.4 The street network incorporates the following:</p> <ul style="list-style-type: none"> • Adequate pavement markings; • Well-lit lighting; • Stable surface; • Safe sight distances; • Warning signs; and • Safety rails (where appropriate for cyclists).
<p>P5 Streets are incorporated with easily maintained design features.</p>	<p>A5.1 The internal road system is sealed to provide for two way traffic under all weather conditions.</p> <p>A5.2 Roll top kerb and guttering is provided for the road design.</p> <p>A5.3 Stormwater inlets are located away from corners to ensure continuous access at critical points.</p>
<p>Footpath</p> <p>P6 Footpaths are pedestrian-friendly for all users.</p>	<p>A6.1 Local streets on which there is access to lots are provided with a path on one side of the carriageway pavement.</p> <p>A6.2 Pedestrian footpaths are 1.5 metres wide and constructed of concrete or paving blocks for the full width, and are located central to the kerb and lot boundary.</p>

Performance criteria	Acceptable solutions
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>A6.3 Footpaths take into consideration:</p> <ul style="list-style-type: none"> • The need to encourage walking; • Pedestrian safety for the all users; • The ease of use via cycling networks; • Lighting complies with AS/NZ 1158.1 and the Dark Sky Planning Guideline 2016; and • Street trees and their root systems.
<p>P7 The street network is sufficient to cater for waste collection vehicles.</p>	<p>A7.1 The street network reduces the need for reversing of waste collection vehicles. This includes cul-de-sacs and temporary turning heads as a result of staging and construction works.</p> <p>A7.2 The road width accommodates Council’s waste vehicles without impacting other road users, including the side loading vehicle and lift arm movement/rotation.</p> <p>A7.3 Sufficient area is provided at the head of cul-de-sacs for waste disposal vehicles to manoeuvre even when cars are parked in the street.</p> <p>A7.4 Each lot has a sufficient waste collection area at the front that:</p> <ul style="list-style-type: none"> • is suitable for the storage of three bins to be collected that doesn’t obstruct traffic flows, vehicle entry to the property or pedestrian movements; • is not located near street trees.

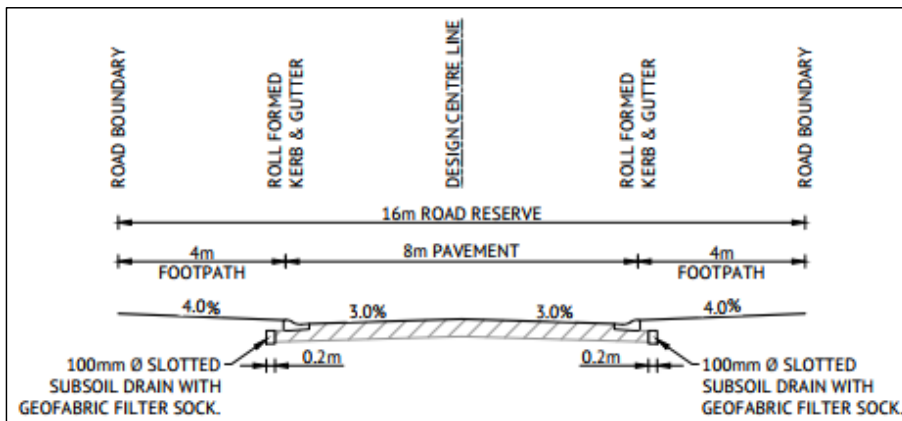


Figure 3: Cross-section of the 16 metre road reserve

Element 4. Infrastructure**Objectives**

- Infrastructure has the capacity and can be economically extended in a timely manner to accommodate new development;
- Development is provided with appropriate physical services; and
- Conflict is reduced between infrastructure utilities and driveways or street lights.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 The design and provision of infrastructure is cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impacts in the short and long term.</p>	<p>A1.1 Utility services are designed and provided in accordance with the requirements of the relevant service authorities.</p> <p>A1.2 Water and sewerage services are to be provided to each lot at the full cost of the developer.</p> <p>A1.3 Water and sewerage services are designed and constructed in accordance with Council's adopted AUS-SPEC#1 and Water Services Association of Australia's WSA 03-2011 Water Supply Code of Australia, and Council's Water and Sewer Technical Codes.</p> <p>A1.4 Each lot is provided with a separate water meter.</p> <p>A1.5 Electricity supply is provided to each lot via underground trenching in accordance with the requirements of the energy supply authority.</p> <p>A1.6 Activities near or within Electricity Easements or close to Electricity Infrastructure comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure 2012.</p> <p>A1.7 Telecommunications and National Broadband Network infrastructure is provided to each lot in accordance with the requirements of the appropriate authority.</p> <p>A1.8 Energy efficient and appropriately located street lighting is provided in accordance with AS/NZS 1158.1.1.</p>
<p>P2 Compatible public utility services are located in common trenching in order to minimise the land required and the costs for underground services.</p>	<p>A2.1 Services are located underground and next to each other in common trenching in accordance with Council's Policy.</p>

Element 5. Stormwater Management

Objectives

- Stormwater drainage systems are provided in accordance with the requirements of Council;
- Stormwater systems adequately protect people, the natural and built environments;
- Stormwater systems are provided in a cost effective manner in terms of initial costs, longevity and maintenance; and
- Stormwater contributes positively to environmental enhancement of catchment areas especially in flood-affected areas.

Performance criteria	Acceptable solutions
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Stormwater infrastructure has the capacity to safely convey stormwater flows without causing nuisance or substantial damage to the site, upstream and downstream properties.	<p>A1.1 A Stormwater Drainage Strategy is included with any development application for subdivision. It must be prepared by a suitably qualified and experienced consultant and detail how the projected stormwater volumes can be managed on the subject land and through to receiving waters.</p> <p>A1.2 The stormwater system’s capacity is designed assuming the lots have a maximum impervious surface area.</p> <p>A1.3 The design and construction of the stormwater drainage system is in accordance with Council standards, including: <ul style="list-style-type: none"> • Australian Rainfall and Runoff, 1987 and 2019 versions; • AUS-SPEC #1 NSW 1999 Development Specification Series – Design and Construction; • AUSTRROAD Guideline, Guide to Road Design Part 5A: Drainage – Road Surface, Networks, Basins and Subsurface. </p> <p>A1.4 In areas where there is a likelihood of salinity impacts, infiltration must not be proposed.</p>
P2 Stormwater design and management includes the upstream flows as part of the development.	<p>A2.1 The stormwater system is designed for: <ul style="list-style-type: none"> • Minor (piped) systems to cater for the 10% Annual Exceedance Probability (AEP); and • Major, (overland) systems are to cater for the 1% AEP storm events. </p> <p>A2.2 Stormwater design and management addresses the upstream flows (including but not limited to Hennessy Drive) and shall include the existing catchments and the effects of proposed and likely future development of the site and the catchment area.</p>

Performance criteria	Acceptable solutions
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Drainage</p> <p>P3 Subdivision design and layout provides for adequate site drainage.</p>	<p>A3.1 Lots are graded to discharge stormwater to the public road.</p> <p>A3.2 Interallotment drainage and associated easements are provided where any part of any lot, roof water or surface water does not drain to a public road without traversing one or more adjacent downhill lots.</p> <p>A3.3 Each lot requiring interallotment drainage has a surface inlet pit located in the lowest corner or portion of the allotment. Lots are graded to the interallotment pit.</p> <p>A3.4 Interallotment drainage lines are located approximately 1 metre from property boundaries within a 2 metre easement created for this purpose and reflected on the subdivision plan and Section 88B instrument.</p> <p>A3.5 The design of the inter-allotment drainage system is in accordance with Australian Rainfall and Runoff: A Guide to Flood Estimation, Commonwealth of Australia (Geoscience Australia), 2019.</p>

Element 6. Water Quality Management

Objective

- Stormwater discharge to surface and underground receiving waters, during construction and in developing catchments, does not degrade the quality of water in the receiving areas.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 System design optimises the interception, retention and removal of water-borne pollutants prior to their discharge to receiving waters.	A1.1 An Erosion and Sediment Control Plan is included with any development application for subdivision. It must be prepared by a suitably qualified professional using the 'Managing Urban Stormwater: Soils and Construction', and address the existing site, proposed development and the protection of the environment, adjoining properties and infrastructure. A1.2 Adequate provision is made for measures during construction to ensure that the land form is stabilised and erosion is controlled.

Element 7. Environmental Management**Objectives**

- Development prevents the loss of, and damage to, life, property and the environment due to contamination, bushfires and flooding; and
- Development is designed and sited to avoid environmental impacts.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Contaminated land</p> <p>P1 Potential site contamination issues are adequately identified and remediated.</p>	<p>A1.1 Development complies with the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>A1.2 All contamination investigations (stage 1 or 2), remediation (stage 3) and validation work (stage 4) must be undertaken at the subdivision development application stage. It must be undertaken by a suitably qualified consultant and in accordance with the protocols of NSW EPA Contaminated Sites Guideline Booklets or NEPM (2013 Amended) or the relevant.</p>
<p>Bushfire hazard</p> <p>P2 Subdivision development on bushfire prone land protects life and does not increase the bushfire risk management and maintenance responsibilities.</p>	<p>A2.1 Subdivision development on the land identified as bushfire prone complies with the bush fire protection measures in the NSW RFS's <i>Planning for Bush Fire Protection Guideline 2019</i> (or equivalent).</p>
<p>Flooding</p> <p>P3 Subdivision development does not increase the risk of flooding and residential development can be undertaken above flood prone areas.</p>	<p>A3.1 Development does not increase the flood hazard (e.g. by way of increased depth, duration or velocity of flood waters or a reduction in warning times) for the site and surrounding area.</p> <p>A3.2 The location of the 1% AEP and PMF flood lines must be verified by ground survey.</p> <p>A3.3 Development in the flood planning area does not result in a reduction in flood storage capacity.</p> <p>A3.4 No excavation and/or filling occurs on land within the flood planning area, unless an assessment, undertaken by a suitably qualified consultant, demonstrates: <ul style="list-style-type: none"> • it does not negatively impact the overall hydrology, hydraulics and flood capacity of the watercourse; • it does not in any way result in the reduction of flood storage capacity on the site; • there are no alternate development options; and • such earthworks result in the rehabilitation and repair of the hydrological network and the riparian </p>

Performance criteria	Acceptable solutions
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p style="text-align: center;">ecology of the watercourse.</p> <p>A3.5 Fencing in the flood planning area does not cause an obstruction to the free flow of flood waters or have the ability to break and become debris.</p>
Natural and cultural features	
P4 Natural and cultural features in the area are emphasised and enhanced in the design of the subdivision.	<p>A4.1 Watercourses and natural vegetation are retained in the design of the subdivision.</p> <p>A4.2 The subdivision pattern recognises the natural drainage patterns across the site so as to minimise the depth of earthworks.</p> <p>A4.3 Development considers and maximises the protection of existing natural features in the planning, development construction and operation phase.</p>

Element 8. Street Trees**Objectives**

- Street trees are planted to enhance the local environment and reduce the urban heat effect; and
- Natural features and vegetation are emphasized in the design of the subdivision.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Development preserves significant trees and natural vegetation.	A1.1 A Landscape Plan and Planting schedule is included with any development application for subdivision. It must be prepared by a suitability qualified person, and include the requirements shown in Table 1 .
P2 Street trees are provided to enhance the local environment, provide an attractive and interesting landscape, and regulate the ambient air temperature.	<p>A2.1 Two street trees are provided per lot, and in accordance with the requirements of Council's Community, Culture and Places Division and any applicable tree planting standard.</p> <p>A2.2 Landscaping within the road reserve includes appropriate detailed designs that address:</p> <ul style="list-style-type: none"> • access and manoeuvrability of heavy vehicles, street sweepers and vehicles; • the impact of the root system on the carriage way; • ongoing maintenance of the tree and carriageway; • relationships with future driveway locations; and • impacts on and location of underground infrastructure. <p>A2.3 Street trees are located to provide appropriate shade to pedestrian pathways.</p> <p>A2.4 Street trees must:</p> <ul style="list-style-type: none"> • be used consistently to distinguish public and private spaces; • minimise risk to utilities and services and minimise ongoing water consumption; • be durable and suited to the street environment and include endemic species; and • complement and define the neighbourhood area, ecological linkages, street hierarchy, precinct entries, significant intersections, and significant view lines.
P3 Street trees are designed and located to not impact built infrastructure.	A3.1 The selection and placement of street trees takes into consideration: <ul style="list-style-type: none"> • The location of infrastructure and easements; • Pruning and shaping adaptability of selected trees; • Driveways placements; • Front setbacks; • Lateral spread of branches;

	<ul style="list-style-type: none"> • Road verge widths; • Waste services collections; and • Pedestrian and vehicle vision; <p>A3.2 Street trees must not be planted:</p> <ul style="list-style-type: none"> • less than 5 metres from street lights and stormwater entry pits; • less than 1 metre from a concrete footpath or cycleway; and • Less than 10 metres from road corners or intersections.
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Site Analysis Plan	Submission Requirements (It must include but not limited to)
<p>A site analysis plan should capture the unique environmental setting of the proposed project.</p>	<ul style="list-style-type: none"> a. Must be at an appropriate scale, show true north and 1 metre contours; b. Show surrounding buildings, roads, paths, cycleway, creek lines, existing trees and vegetation and land form, pedestrian, vehicular and maintenance access; c. Show existing and proposed services; d. Show any easements or other site encumbrances; e. Show overland flow path and natural site drainage; f. Show areas of protected vegetation; g. Show any applicable bushfire asset protection zones and other firefighting requirements; h. Show waste storage areas and access
Landscape Concept Plan	Submission Requirements (It must include but not limited to)
<p>A landscape concept plan must provide an illustrated plan showing all key site features and design elements.</p>	<ul style="list-style-type: none"> a. The plan should be at an appropriate scale and should include: <ul style="list-style-type: none"> • Name business address and contact details of the person or business that prepared the plans; • The address of the site including DP and Lot number; • Job, plan number, revision and date; • Site boundaries and surveyed dimensions; • North point; • Existing and proposed levels; • Show site analysis detail (a) to (h); • Indicative planting plan and plant schedule.

Table 1 – Landscape Plan requirements

2.2. Residential Design Controls

This section is designed to encourage 'best practice' solutions and clearly explain requirements for the development of residential development.

This section lists design elements under the following headings:

Element 1	Architectural Design and Streetscape
Element 2	Building Envelopes
Element 3	Solar Access
Element 4	Private Open Space
Element 5	Fencing
Element 6	Infrastructure
Element 7	Visual and Acoustic Privacy
Element 8	Vehicular Access and Car Parking
Element 9	Waste Management
Element 10	Detached Development (Outbuildings, Sheds, Garages)
Element 11	Environmental Management

Element 1. Architectural Design and Streetscape**Objectives**

- Residential development is designed to create an attractive neighbourhood;
- Development creates visual interest through articulation and design features;
- An attractive streetscape is maintained along Hennessey Drive;
- The design and location of development responds to individual site constraints; and
- A mix of dwelling sizes are provided to encourage a diversity of built form design.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Façade design</p> <p>P1 Walls visible from the street are:</p> <ul style="list-style-type: none"> • adequately detailed for visual interest and are of a high quality design 	<p>A1.1 The primary frontage facade of development addresses the street and incorporates a visible front entrance.</p> <p>A1.2 At least three of the following design features are incorporated into the primary frontage façade:</p> <ul style="list-style-type: none"> • façade articulation and detailing with varying building materials, patterns, textures, and colours; • entry feature; • awnings or other features over windows; • balcony treatment to any first floor element; • recessing or projecting architectural elements; • bay windows or similar features; • verandah, eaves, pergolas and parapets above garage doors. <p>A1.3 The building design highlights the entry and front rooms rather than the garage.</p> <p>A1.4 Parking is located so that the front windows of development are not obscured.</p> <p>A1.5 Front facades feature at least one ground floor habitable room with a window facing the street.</p> <p>A1.6 Walls longer than 10 metres are articulated with a variation of more than 600mm for a minimum length of 4 metres.</p> <p>A1.7 Where development is located on a corner lot, it is designed to face each street frontage.</p>

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P2 Garages and parking structures integrate with features of the dwelling and do not dominate the street frontage or views of the dwelling from the street.	A2.1 The width of a garage door or parking structure facing the street is not greater than 30% of the total width of the front of the building.
Dual occupancy development P3 Dual occupancy development and densities are appropriate and compatible with the local context.	A3.1 The minimum lot frontage for a dual occupancy is 30 metres. A3.2 A dual occupancy is not located on a battle-axe lot. A3.3 Dual occupancy is not designed as 'mirror image'.
Hennessy Drive P4 The streetscape character of Hennessy Drive is enhanced.	A4.1 Development with a boundary to Hennessy Drive incorporates elements to address both Hennessy Drive and the primary frontage. This includes appropriate design features, orientation and suitable fencing treatments.

Element 2. Building Envelopes**Objectives**

- Appropriate and acceptable building setbacks are provided;
- The height of development is compatible with the character of the area and protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views;
- Habitable rooms and private open space within the development and adjacent development receive adequate sunlight and ventilation;
- Development on corner lots provides an appropriate secondary street setback; and
- Garages and parking structures do not dominate the streetscape.

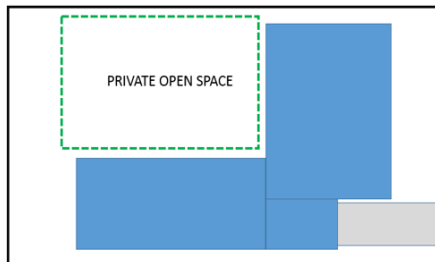
Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Front, side and rear setbacks P1 Setbacks are provided to allow flexibility for the siting of buildings, landscaping and fencing whilst reducing visual bulk of development along the streetscape.	A1.1 Development is setback a minimum of 8 metres from the front boundary. A1.2 Garages, carports and parking structures are in line with or behind the alignment of the front façade of the dwelling. A1.3 Development is setback a minimum of 5 metres from the side boundary and 10 metres from the rear boundary.
Corner lots P2 Development on corner lots addresses both street frontages.	A2.1 Development is setback a minimum of 8 metres from the secondary frontage.
Lots adjacent to Hennessy Drive P3 Development minimises the visual bulk of when viewed from Hennessy Drive to maintain an attractive streetscape.	A3.1 Development is setback a minimum of 10 metres from Hennessy Drive.
Building height P4 Development is compatible with the height, bulk and scale of the desired future character of the locality.	A4.1 Development has a maximum height of 9 metres above existing ground level. A4.2 Development does not exceed two storeys.
Site coverage P5 The density, bulk and scale of development is appropriate for the site and provides an appropriate area for landscaping, outdoor activities and stormwater infiltration.	A5.1 Development has a maximum site coverage of 60%. This includes any outbuildings, but does not include pools and associated paving within the pool curtilage.
Setbacks to landscaping P6 Development is sufficiently setback to accommodate and preserve significant trees.	A6.1 Any development must not impact the integrity of street trees including the root system.

Element 3. Solar Access

Objectives

- Development provides an acceptable level of solar access for occupants;
- Development does not significantly impact the solar access and amenity of adjoining and adjacent lots; and
- Habitable rooms and private open space of both the subject and adjacent development can receive adequate sunlight, ventilation and amenity.

Performance criteria	Acceptable solutions
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Solar access</p> <p>P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors, private open space and clothes drying facilities.</p>	<p>A1.1 Development is sited in accordance with Figure 4.</p> <p>A1.2 On lots with an east-west orientation, the setback on the north-side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.</p>
<p>P2 Development does not reduce the level of solar access for adjoining or adjacent allotments.</p>	<p>A2.1 Shadow diagrams are submitted for any development above single storey. Shadow diagrams are prepared for 9 am, 12 pm and 3 pm on June 22.</p> <p>A2.2 Adjoining and adjacent development receives a minimum of four hours solar access between the hours of 9 am and 3 pm on 22 June for:</p> <ul style="list-style-type: none"> • habitable rooms; and • 75% of the principal private open space



NORTH

A dwelling built close to the southern boundary enables winter sunlight to enter habitable rooms in the dwelling. Good solar access is available to private open space during winter.

Figure 4 - Required siting of dwellings on east-west lots

Element 4. Private Open Space**Objectives**

- Each lot has sufficient area for landscaping and deep soil planting areas;
- The quality of the built environment is enhanced through landscaping;
- Private outdoor open space is well-integrated with the development and is of sufficient area to meet the needs of occupants; and
- Ensure landscaping is maintained to minimise the risk of bushfires.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Principle private open space is well-integrated in the development and is of sufficient area to meet the needs of occupants.	<p>A1.1 Residential development has principle private open space that:</p> <ul style="list-style-type: none"> • has a minimum area of 50% of the gross floor area of the development; and • has a minimum dimension of 5 metres. <p>Note: this area can include covered, but not enclosed, outdoor entertainment areas.</p> <p>A1.2 All principle private open space is directly accessible from the main living area.</p>
P1 Development incorporates an appropriate area for landscaping and private open space.	<p>A1.1 Development incorporates the following landscaped area:</p> <ul style="list-style-type: none"> • A minimum of 40% of the site behind the building line must be landscaped area; and • A minimum of 40% of the area forward of the building line must be landscaped area. <p>Note: Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.</p> <p>A1.2 Areas less than 3 metres in width are not to be included in the calculation of landscaped area.</p> <p>A1.3 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.</p>

Element 5. Fencing**Objectives**

- Transparent and open style fencing is utilised and provided with suitable landscaping;
- Fencing is of a high quality and does not detract from the streetscape;
- Rear and side fencing assists in providing privacy to private open space areas; and
- Fence height, location and design does not affect traffic and pedestrian visibility at intersections.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Fences not covered by this Plan must comply with SEPP (Exempt and Complying Development Codes) 2008. Details of any fencing which does not meet this criteria must be provided and assessed as part of a development application.	
P1 Fences are consistent with the character of the area, reflect the local streetscape and do not cause undue overshadowing of adjoining development.	A1.1 Fencing is of an open style and: <ul style="list-style-type: none"> • constructed with open wire, pickets, slats, timber palings or rails; • softened with the use of landscaping. A1.2 Colourbond, barbed, razor wire, electrical, solid metal panels or chain wire fencing (including factory pre-coloured materials) are not permitted.
Front fences P2 Front fences enable outlook from the development to the street to facilitate surveillance and safety.	A2.1 Front fences have a maximum height of: <ul style="list-style-type: none"> • 1.2 metres if solid or less than 20% transparent; or • 1.5 metres if greater than 50% transparent.
Fences along Hennessey Drive P3 Fences along Hennessey Drive are adequately detailed for visual interest and do not present as long and unbroken.	A3.1 Fences on the rear boundary of lots adjoining Hennessey Drive are open style and transparent, and incorporate low hedges or permeable vegetation.
Side and rear fences P4 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development.	A4.1 Fences on the side and rear boundary have a maximum height of 1.8 metres. A4.2 Retaining walls and fences on the side and rear boundary of sloped lots have a maximum height of 2 metres. A4.3 Side fences forward of the building line have a maximum height of 1.2 metres.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Corner lots</p> <p>P5 Fences on secondary frontages do not dominate the streetscape.</p>	<p>A5.1 Fences on the secondary frontage:</p> <ul style="list-style-type: none"> • have a maximum height of 1.8 metres for 50% of the length of the boundary to the secondary road, which is measured from the corner splay of the primary road boundary; and • comply with Figure 5. <p>A5.2 Fences on the secondary frontage are articulated and provided with vegetation screening to soften the visual impact of the fence.</p>
<p>P6 Fencing on corner lots do not impede motorists' visibility at the intersection.</p>	<p>A6.1 Fencing is either splayed, setback, reduced in height or transparent to maintain visibility for motorists. The extent of the splay will be determined by Council in consideration of the characteristics of the road and the radius of the kerb return.</p>
<p>Fencing of battle-axe lots</p> <p>P7 Fences along battle-axe handles do not impact the amenity of both the lot and the neighbouring lots.</p>	<p>A7.1 Fencing on the shared boundary of a battle-axe handle has a maximum height of 1.5 metres.</p>
<p>General</p> <p>P8 Fences do not interfere with the stormwater flows across the site.</p>	<p>There are no Acceptable Outcomes.</p>

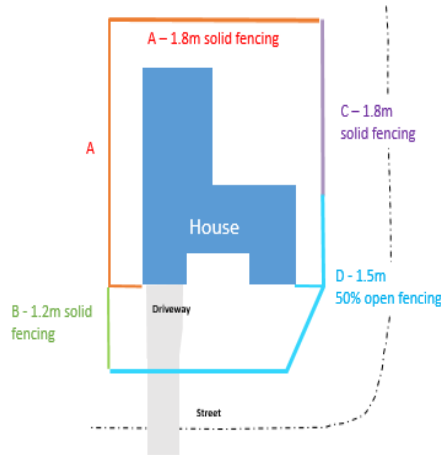


Figure 5 - Fencing on a corner lot

Element 6. Infrastructure**Objectives**

- Development takes advantage of existing infrastructure;
- Infrastructure has the capacity or can be economically extended to accommodate new development;
- Development is provided with appropriate infrastructure; and
- The impact of increased stormwater run-off to drainage systems is minimised.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Infrastructure Provision P1 Development does not overload the capacity of public infrastructure including reticulated services, streets, open space and human services.	A1.1 Infrastructure is provided in accordance with: <ul style="list-style-type: none"> • Council's adopted version of AUSPEC and relevant policies, and • the requirements of the appropriate authority.
P2 Development is connected to reticulated sewerage, water supply, electricity, telecommunications and natural gas as appropriate.	A2.1 Development is connected to: <ul style="list-style-type: none"> • Council's reticulated water supply, sewerage and stormwater drainage system in accordance with Council's adopted version of AUSPEC and relevant policies; • Electricity in accordance with the requirements of the appropriate authority; and • Telecommunications system and the National Broadband Network Infrastructure in accordance with the requirements of the appropriate authority.
P3 Stormwater leaving the site does not exceed the capacity of the stormwater system.	A3.1 Development incorporates minimal impervious areas and is limited to the capacity of Council's stormwater system. A3.2 Stormwater is not directed onto neighbouring lots. A3.3 Finished lot levels allow for a stormwater overland flow path through the lot.
P4 Development conforms to the natural land forms and site constraints without the need for excessive excavation and/or fill.	A4.1 Excavation and/or filling does not change the natural ground level of the site by more than 1 metre.

Element 7. Visual and Acoustic Privacy**Objectives**

- Development is designed to limit overlooking into the private open space of adjoining development;
- Noise does not impact the amenity of adjoining development; and
- The internal living and sleeping areas are protected from inappropriate levels of external noise.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Visual privacy</p> <p>P1 Private open space and living rooms of adjacent development are protected from direct overlooking.</p>	<p>A1.1 Windows of habitable rooms with an outlook to windows of habitable rooms in adjacent development within 10 metres:</p> <ul style="list-style-type: none"> • Have a sill height of 1.5 metres above floor level; • Have fixed obscure glazing in any window pane below 1.5 metres above floor level; • Are offset a minimum of 1 metres from the edge of the opposite window; or • Have screens which obscure the view from habitable room windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development into private open space and/or habitable rooms of existing residential accommodation. <p>A1.2 Screens are solid, translucent or perforated panels or trellis which:</p> <ul style="list-style-type: none"> • Have a minimum of 25% openings; • Are permanent and fixed; • Are of durable materials such as galvanised steel, iodised aluminium or treated timber; and • Are painted or coloured to blend in with the surrounding environment. <p>A1.3 Windows and balconies do not overlook more than 50% of the private open space of any adjoining residential accommodation.</p> <p>A1.4 Balconies on the first floor are screened to a height of 1.7 metres above the finished floor level along the side and rear boundaries to prevent noise and overlooking.</p>

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P2 Development is adequately protected from noise.	A2.1 Development with frontage to Hennessy Drive is constructed to ensure habitable rooms are not exposed to noise levels in accordance to the standards contained in the <i>Noise and Vibration under Development near Rail Corridors and Busy Roads – Interim Guideline 2008</i> . A2.2 Development is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the Australian Standard AS3671 – Road Traffic.
P3 Development achieves an acceptable noise environment and reduces the impacts of noise on sensitive receivers.	A3.1 Noise attenuation measures must not adversely impact upon passive surveillance, active street frontages and energy efficiency. A3.2 The use of physical noise barriers may be supported where it can be demonstrated that the following mitigation measures (in the listed order), are not able to adequately attenuate the noise source: <ul style="list-style-type: none"> • Locating less sensitive land uses between noise source and the sensitive receivers; • Using the built form to act as noise barriers; • Incorporate noise mitigating building façade treatments and locating bedrooms, main living areas and principle private open space areas away from the noise source.

Element 8. Vehicular Access and Car Parking**Objectives**

- Development is provided with adequate and convenient parking for residents, visitors and service vehicles;
- Street and access ways provide safe and convenient vehicle access to dwellings and can be efficiently managed; and
- Development is designed to not create parking and traffic concerns for surrounding development.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.</p>	<p>A1.1 Car parking complies with the requirements of Chapter 3.5 of the Dubbo DCP 2013.</p> <p>A1.2 Dwelling houses and dual occupancy development have the following vehicle parking:</p> <ul style="list-style-type: none"> • One bedroom dwelling – one car parking space per dwelling, situated behind the front building setback, and • Dwelling with two or more bedrooms – two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building setback. <p>A1.3 Driveways are located clear of stormwater pits, street light poles, water meters and landscaping.</p>
<p>P2 Car parking facilities are designed and located to conveniently and safely serve users including pedestrians, cyclists and vehicles.</p>	<p>A2.1 The layout and dimensions of car parking areas, access ways, driveways, roadways and manoeuvrability areas comply with Australian Standard AS2890.1-2004, AS2890.2 and AUSTROADS.</p> <p>A2.2 Access ways and driveways are designed to enable vehicles to enter the designated parking space in a single turning movement and leave the space in no more than two turning movements.</p>
<p>P3 Driveways, car parks and access points are of a suitable construction.</p>	<p>A3.1 Car spaces, access ways and driveways are formed, defined and drained to a Council drainage system and surfaced with:</p> <ul style="list-style-type: none"> • An all-weather seal such as concrete, coloured concrete, asphalt or mortared pavers; and • Stable, smooth, semi-porous paving material (such as brick, stone or concrete pavers) laid to the paving standard of light vehicle use.

Element 9. Waste Management**Objective**

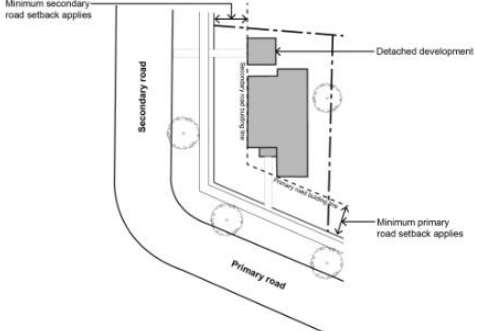
- Waste disposal is carried out in an environmentally responsible and sustainable manner.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Construction approaches and techniques minimise waste.	A1.1 A Waste Management Plan is included with any development application. It must include accurate, site specific details in relation to demolition/site preparation, construction, use of premises and on-going management as applicable.
P2 Domestic solid waste is disposed of in an environmentally responsible and legal manner.	A2.1 Development participates in Council's garbage and recycling materials collection service.
P3 Adequate space is provided to store waste collection bins in a position which will not adversely impact upon the amenity of the area.	<p>A3.1 Sufficient space is provided on site for loading and unloading of wastes. This activity is not be undertaken on any public place.</p> <p>A3.2 Development has a sufficient waste collection area at the front of the lot that is suitable for the storage of three bins to be collected that doesn't obstruct traffic flows, vehicle entry to the property, pedestrian movements or landscaping.</p> <p>A3.3 Garbage bin storage and collection areas are located behind the front building line and are screened from view.</p>

Element 10. Detached Development (Outbuildings, Sheds and Garages)

Objectives

- Detached development, outbuildings, sheds and garages integrate with development on site;
- Development maintains appropriate private open space;
- Development is of a scale, size and character that is appropriate for the urban environment and the size of the lot; and
- Development does not detrimentally impact upon the amenity of adjoining residents.

Performance criteria	Acceptable solutions								
The objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:								
P1 Detached development is of a height reflecting its intended use and in keeping with the urban environment.	A1.1 Detached development has a maximum height of 4.5 metres above existing ground level. Note: Building height is defined in the Dubbo Regional LEP 2022								
P2 Detached development has a floor area that is proportionate with the size of the lot, and maintains sufficient private open space.	A2.1 The maximum gross floor area (GFA) of all detached development is the following: <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Lot size</th> <th>Max GFA</th> </tr> </thead> <tbody> <tr> <td>>900m² – 1500m²</td> <td>120m²</td> </tr> <tr> <td>1500 – 2000m²</td> <td>150m²</td> </tr> <tr> <td>>2000m²</td> <td>180m²</td> </tr> </tbody> </table> A2.2 Detached development maintains the overall minimum Principal Private Open Space and Private Open Space area in accordance with Element 4: Private open space.	Lot size	Max GFA	>900m ² – 1500m ²	120m ²	1500 – 2000m ²	150m ²	>2000m ²	180m ²
Lot size	Max GFA								
>900m ² – 1500m ²	120m ²								
1500 – 2000m ²	150m ²								
>2000m ²	180m ²								
P3 Detached development is appropriately sited to minimise impacts on the streetscape.	A3.1 Detached development is located behind the building line of a dwelling house that is adjacent to any primary road or secondary road.  A3.2 Detached development maintains the setback requirements of Element 2: Building Envelopes.								

Element 11. Environmental Management**Objectives**

- Development minimises the risk to life and property associated with the use of land;
- Development is compatible with the flood and bushfire risk of the area;

Performance criteria The objectives may be achieved where:	Acceptable solution(s) The acceptable solutions illustrate one way of meeting the associated performance criteria:
Flooding P1 Development is adequately protected from the impacts of flooding.	A1.1 The finished floor level of residential development is above the flood planning level. A1.2 Residential development can be accessed without traversing the flood planning area. A1.3 Development on flood prone land complies with Council's Flood Prone Land Policy and relevant design specifications.
Bushfire hazard P2 Development on bushfire prone land is designed with a simple roofline and a minimum of angles.	A2.1 Development on land identified as bushfire prone complies with the bush fire protection measures in the <i>NSW RFS's Planning for Bush Fire Protection Guideline 2019</i> (or equivalent).

2.3. Landscaping Controls

This section is designed to ensure landscaping can be strategically developed and maintained to optimise the standard of the estate's presentation, and increase its attractiveness to both potential residents and visitors. Landscaping can help define boundaries, reduce traffic speeds and provide shade.

The objectives of this section are:

- Landscaping provides a pleasant, safe and attractive level of amenity;
- Development preserves significant trees and natural vegetation;
- Landscaping is appropriate in nature and scale for the site and the local environment;
- Landscaping is aesthetically pleasing, cost effective and has minimal risk to the public; and
- Landscaping softens the visual impact of development.

Performance criteria The objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 Landscaping is functional and meets user requirements for privacy, solar access, shade and recreation.</p>	<p>A1.1 Existing native and significant trees are retained and integrated into the development.</p> <p>A1.2 Landscaping uses locally endemic species or species with a proven tolerance to the local climate and conditions.</p> <p>A1.3 Landscaping avoids species that have the potential to become an environmental weed or are known to be toxic to people or animals.</p> <p>A1.4 Landscaping requires low maintenance and minimal watering, and does not impact ground water levels by encouraging over-watering.</p> <p>A1.5 Landscaping is selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed/drop material.</p> <p>A1.6 Landscaping is provided in accordance with the requirements of a Landscaping Schedule that has been approved by Council's Community, Culture and Places Division.</p> <p>A1.7 Landscaping on bushfire prone land is designed and maintained to the standard of an Inner Protection Area.</p>
<p>P2 Landscaping is designed and located to not negatively impact on built infrastructure, development on the site or development adjoining the site.</p>	<p>A2.1 Landscaping is provided in accordance with the requirements of a Landscaping Schedule that has been approved by Council's Community, Culture and Places Division.</p>

	<p>A2.2 Landscaping does not restrict vehicle sightlines.</p> <p>A2.3 The height and density of vegetation at maturity screens and softens the development.</p> <p>A2.4 Landscaping incorporates elements such as root barriers or appropriate species to prevent damage to the built infrastructure.</p>
P3 Development under construction does not damage or destroy trees and vegetation.	A3.1 During site work and construction, protective measures around trees are provided in accordance with Australian Standard AS4970-2009.
P4 Landscaping is selected and located to minimise the risk to maintenance personnel, the public, vehicles and pedestrians.	There are no Acceptable Outcomes.



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In Reply Please Quote: 22034
Your ref: CD23/1328

22/05/2023

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

**RE: DRAFT DEVELOPMENT CONTROL PLAN
LOT 103 DP1286114
HENNESSY DRIVE
DUBBO NSW 2830**

Dear Sir,

Regarding the draft Development Control Plan (DCP) for the subject land at Lot 103 DP1286114, please consider the following submission.

The proposed development at Lot 103 is unique in its layout, topography and design. A bespoke DCP has been drafted for consideration. A generic approach is more appropriate to guide the development of Dubbo as a whole, but in this instance, a site-specific DCP should reflect the unique nature of the site and its proposed development.

The draft DCP on public exhibition has some provisions that are not suitable for this site.

2.1 Residential Subdivision Controls

Element 3: Street Design and Road Hierarchy (page 10)

<p>P3 The street network is sufficient to cater for all street functions, including:</p> <ul style="list-style-type: none"> • Safe and efficient movement of all users; • Provision for emergency and service vehicles; • Provision for parked vehicles; • Provision for landscaping; • Location, construction and maintenance of public utilities; and • Stormwater conveyance. 	<p>A3.1 Road reserve widths are a minimum of 20 metres wide and include a 12 metre wide central carriageway, kerb face to kerb face, as indicated in Figure 3.</p> <p>A3.2 Roads are designed and constructed in accordance with Dubbo Regional Council's adopted AUS-SPEC#1 and Transport for NSW design standards.</p>
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The road reserve width of 20 metres proposed by **A3.1** is excessive for this development site. Correspondence with Dubbo Regional Council officers regarding this requirement indicated this provision is to allow for on-street parking without obstructing the path of travel of other vehicles.

1. Previous correspondence with senior staff of Dubbo Regional Council on this matter provided direction on layout and road widths. A road width of 10 metres within an 18-metre reserve was proposed under instruction from Dubbo Regional Council engineers and considered suitable for this site. A width of 8 metres within a 16-metre reserve for the access road was also regarded as suitable by DRC engineers.
2. This preliminary advice obtained from Dubbo Regional Council also indicated that on-street parking provisions were not necessary for this estate.
3. The size of the proposed allotments, being in excess of 4000m² each, gives sufficient space within the lots to remove the need for on-street parking in this area.
4. A proposed road width of 10 metres within an 18-metre reserve is ample to service the traffic generated by seven new residential lots. The proposed access road of 8 metres within a 16-metre reserve is also adequate for the minimal volume of traffic this subdivision will produce.
5. If the access road is used in future to service land to the east, a further four metres can be dedicated from this adjoining land. This would provide the extra width to ensure this access road is suitable for any proposed traffic increase adjoining development may require.

Element 8: Street Trees (page 19)

<p>P3 Street trees are designed and located to not impact built infrastructure.</p>	<p>A3.1 The selection and placement of street trees takes into consideration:</p> <ul style="list-style-type: none"> • The location of infrastructure and easements; • Pruning and shaping adaptability of selected trees; • Driveways placements; • Front setbacks; • Lateral spread of branches;
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It is not appropriate to designate, much less plant, street trees at the subdivision stage. Until a residence is nominated and designed for each lot, allowing for future driveway placement is impossible. This problem has been seen across the Dubbo LGA, where street trees are planted prior to the release of the subdivision certificate as part of development consent conditions. Once the lot usage is determined and a design is provided, the trees must be moved and replaced in a suitable location.

The provision of street trees is important to the look and feel of the local environment. They should be a requirement of residential development but not planted as part of the subdivision stage.

2.2 Residential Design Controls

Element 1: Architectural Design and Streetscape (Page 22)

<p>A1.7 Where development is located on a corner lot, it is designed to face each street frontage.</p>	
<p>Hennessy Drive P4 The streetscape character of Hennessy Drive is enhanced.</p>	<p>A4.1 Development with a boundary to Hennessy Drive incorporates elements to address both Hennessy Drive and the primary frontage. This includes appropriate design features, orientation and suitable fencing treatments.</p>

The acceptable solutions provided for this element do not take into account the shapes of the proposed allotments. Several of the proposed lots have multiple street frontages, at least until the access road is removed when the adjoining land to the east is developed. For instance, one lot will have access from the proposed cul-de-sac, which would be considered frontage to the site. However, under the proposed solution, this lot also has "frontage" to Hennessy Drive and the access road. This will make any residential design challenging to make functional as well as compliant with this element.

Element 2: Building Envelopes (Page 24)

Front, side and rear setbacks	
P1 Setbacks are provided to allow flexibility for the sitting of buildings, landscaping and fencing whilst reducing visual bulk of development along the streetscape.	<p>A1.1 Development is setback a minimum of 8 metres from the front boundary.</p> <p>A1.2 Garages, carports and parking structures are in line with or behind the alignment of the front façade of the dwelling.</p> <p>A1.3 Development is setback a minimum of 5 metres from the side boundary and 10 metres from the rear boundary.</p>
Corner lots	
P2 Development on corner lots addresses both street frontages.	A2.1 Development is setback a minimum of 8 metres from the secondary frontage.
Lots adjacent to Hennessy Drive	
P3 Development minimises the visual bulk of when viewed from Hennessy Drive to maintain an attractive streetscape.	A3.1 Development is setback a minimum of 10 metres from Hennessy Drive.

The use of prescribed setbacks rather than nominated building envelopes does not consider the characteristics of this particular development. A one-size-fits-all approach may be suitable for estates with generally square or rectangular lots with a single lot frontage. For sites such as within Bindari Estate, a more appropriate method of building envelope control is to create a restriction of use on the land to nominate a building envelope that is uniquely suited to each allotment.

An estate with proposed allotments developed sympathetically to the topography should be directed individually. This is a reason for a site-specific DCP and not the use of the overarching Dubbo Development Control Plan.

If you have any questions, please don't hesitate to contact me.

Sincerely,



Eric Smith
 Director/ Registered Land Surveyor
 Compass Consulting Surveyors

Tim Howlett

From: noreply-yoursay@dubbo.nsw.gov.au
Sent: Wednesday, 31 May 2023 8:21 AM
To: Dubbo Regional Council
Subject: SUBMISSION - BINDARI ESTATE FILE CD23/1328 Form Submission

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SUBMISSION - BINDARI ESTATE FILE CD23/1328 Form Submission

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██████████

Written Submission

I think this area should be a family park with bbq areas a good carpark nearby for people to enjoy then they can go across to the walkway to the river or zoo. A destination point for a full family day outing ! People visiting our town need more this could be a selling point to our tourism as we have many families who love to cycle skate or walk but to interest the kids more have a kids park as a destination from west to south dubbo!

To view all of this form's submissions, visit

https://yoursay.dubbo.nsw.gov.au/index.php/dashboard/reports/forms_new/data/36

CCL23/190 Draft Net Zero Framework for Council Operations

Attachment 1: Draft Net Zero Framework 106



NET ZERO FRAMEWORK

Draft Report

16 July 2023



www.100percentrenewables.com.au



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1 Executive Summary

The purpose of the Net Zero Framework is to provide Council with an overarching blueprint for reducing greenhouse gas emissions to net zero within its operations by 2050 at the absolute latest.

The requirement for Council to achieve 'net zero emissions' is outlined within Council's Towards 2040 Community Strategic Plan (Objective 6.1). Furthermore, Council's 2022/2023 Operational Plan Action 6.1.2.4 requires Council to 'prepare a Net Zero Strategy for Council and Council operations'.

The Net Zero Framework has been developed by Dubbo Regional Council in conjunction with consultant 100% Renewables, and with the support of the NSW Government's Sustainability Advantage Program.

The Net Zero Framework has been set out in three parts (Background, Framework, and Implementation, Monitoring and Review) and is structured around the United Nations Framework Convention on Climate Change (UNFCCC) guidance for setting and achieving net zero commitments.

The Framework identifies Council's current and future greenhouse gas emissions from its operations (carbon footprint); outlines priority areas for emission reduction based on Council's carbon footprint; recommends goals (or pathways) to reduce emissions within these areas; models the impact of these goals (if implemented) in reaching net zero emissions; and finally identifies Council's short, medium and long term targets to reach zero emissions before 2050.

Council will need to work closely and swiftly with all levels of government, residents, businesses, and industry to reduce its operational emissions. Council's leading source of operational emissions, and priority area for action, is 'waste to landfill'. Waste entering into Council's two landfill sites contributes up to 62% of Council's carbon footprint. To address this issue Council will need to work with the community to ensure waste is avoided, reused, recycled, recovered and as a last resort disposed of to landfill. In addition, around 18% of Council's emissions relate the purchase of goods and services for its operations. Council will need to work closely with suppliers and contractors to address emissions within its supply chain. Other leading sources of Council emissions, or priority areas for action, include electricity purchased for its assets and street lighting (around 14%) and fuel use, particularly diesel, around 4%. Emission reduction goals have been recommended for each of the priority areas.

Council's targets to reach zero emissions before 2050 are highlighted below and have been developed based on the implementation of Council's recommended emission reduction goals for each priority area and following extensive consultation with key staff, councillors, and the community.

- Short: 35% reduction in emissions from Council operations by FY 2028 (compared to FY 2022)
- Medium: 70% reduction in emissions from its operations by FY 2035 (aspirational)
- Long: 'Net Zero' by 2050 or at least 90% reduction in emissions from Council operations with the residual emissions counterbalanced by carbon removal offsets

Council's Net Zero Framework will be integrated in Council's Integrated Planning and Reporting Framework as outlined in Section 6 and it is recommended that an operational review of the Net Zero Framework be completed by December 2025 to review Council's progress in reaching its short term net zero target, and whether the net zero targets and emission reduction goals remain relevant.

2 Introduction

The purpose of the Net Zero Framework is to provide Council with an overarching blueprint for reducing greenhouse gas emissions to net zero within its operations by 2050 at the absolute latest.

The requirement for Council to achieve net zero emissions is outlined within Council's Towards 2040 Community Strategic Plan (CSP) Objective 6.1. Furthermore, Council's 2022/2023 Operational Plan Action 6.1.2.4 requires Council to 'prepare a Net Zero Strategy for Council and Council operations'.

The Net Zero Framework has been developed by Dubbo Regional Council in conjunction with consultant 100% Renewables, and with the support of the NSW Government's Sustainability Advantage Program.

The Net Zero Framework has been set out in three parts:

Part A: Background

This section provides the overall context for Council in working towards achieving net zero emissions.

Part B: Framework

This section builds upon information provided in Part 1 and outlines Council's blueprint for achieving net zero emissions within its operations by 2050 at the absolute latest.

Part C: Implementation, Monitoring and Review

This section contains specific information on how the Net Zero Framework will be implemented, monitored, reported and reviewed in the annual, interim and long term.



3 Definitions

TABLE 1: LIST OF DEFINITIONS

Term	Definition
Abatement	Measures that organisations take to prevent, reduce or eliminate sources of GHG emissions within their value chain. Examples include reducing energy use, switching to renewable energy, switching from gas and transport fuels to electricity, and working with low carbon suppliers.
Activity data	Source data from an emission generating activity, such as fuel usage and electricity consumption, is used to determine greenhouse gas emissions through multiplication by an Emissions Factor.
Baseline	A hypothetical scenario for what GHG emissions, removals or storage would have been in the absence of greenhouse gas (GHG) project activities.
Boundaries	GHG accounting and reporting boundaries can have several dimensions, i.e. organisational, operational, geographic, business unit, and target boundaries. The inventory boundary determines which emissions are accounted for and reported.
Carbon footprint	A measure of the carbon dioxide equivalent emissions attributable to an activity. A carbon footprint can relate to the emissions of an individual, household, organisation, product, service, event, building or precinct. This can also be referred to as a carbon account or emissions inventory.
Carbon dioxide equivalent (CO ₂ -e)	A standard measure that takes account of the global warming potential of different greenhouse gases and expresses the effect in a common unit.
Carbon offsets	One offset equal one tonne of greenhouse gas emissions that is avoided or reduced elsewhere. Carbon offsets can be generated from projects that remove carbon from the atmosphere, such as planting trees, which need CO ₂ to grow. Offsets can also be generated from activities that avoid emissions (compared to a hypothetical business as usual scenario), such as wind farm or energy efficiency projects.
Direct GHG emissions	Emissions from sources that are owned or controlled by the reporting company.
Emission factor (EF)	Emissions Factors refer to numeric values that specify the kilograms of CO ₂ -e emissions per unit of activity.
Emissions	The release of GHG into the atmosphere.
Greenhouse gases (GHG)	Greenhouse gases trap heat and cause the greenhouse effect. Annex A to the Kyoto Protocol includes seven greenhouse gases that are the subject of global efforts to decarbonise, including carbon dioxide (CO ₂), methane (CH ₄), nitrous oxide (N ₂ O), and several synthetic fluorinated gases. Water vapour and ozone are also greenhouse gases.
Grid decarbonisation	Grid decarbonisation is referred to as 'greening of the grid' and means that fossil fuel-powered plants are replaced with renewable power plants, which reduces emissions from electricity.
Indirect GHG emissions	Emissions that are a consequence of the operations of the reporting company but occur at sources owned or controlled by another company.
Inventory	A quantified list of an organisation's GHG emissions and sources.
Net zero	Net zero is achieved when you reduce your operational GHG emissions as much as possible and balance the rest by greenhouse gas removals.
Operation	A generic term used to denote any kind of business, irrespective of its organisational, governance, or legal structures. An operation can be a facility, subsidiary, affiliated company or other form of joint venture.
Operational emissions	Greenhouse gas emissions that are released when using a product or a service. For example, when using a natural gas boiler to heat water, burning the gas causes the release of greenhouse gas emissions.
PPA (for renewable energy)	A Power Purchase Agreement (PPA) is an agreement between a buyer and a generator to buy renewable energy at an agreed price for an agreed period.
Paris Agreement	Legally binding international treaty on climate change. It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 and entered into force on 4 November 2016. Its goal is to limit global warming to well below 2, preferably to 1.5 degrees Celsius, compared to pre-industrial levels.



Residual emissions	Emissions sources that remain unabated in a specific year of a mitigation scenario.
Removals	Measures that organisations take to remove carbon from the atmosphere and permanently store it within or beyond the value chain.
Reporting	Presenting data to internal management and external users such as regulators, shareholders, the general public or specific stakeholder groups.
Scope 1 emissions	Scope 1 emissions are emissions directly generated through your operations, such as burning natural gas, fleet vehicles, landfill gas emissions (for entities that own and manage landfill operations), or refrigerant gases in your air conditioning equipment.
Scope 2 emissions	Scope 2 emissions are caused indirectly by consuming electricity. These emissions are generated outside your organisation at fossil fuel power plants, but you are indirectly responsible for them.
Scope 3 emissions	Scope 3 emissions are indirect emissions and happen upstream and downstream of the organisation. Examples are waste contractor vehicle emissions, employee commute, air travel, the consumption of goods and services and leased assets.

4 Part A: Background

4.1 Why does Council need to reduce its greenhouse gas emissions?

Scientific evidence indicates that “human activities” have been the dominant cause of the observed climate change since the mid-20th century.

In particular, burning of fossil fuels and changes in land use have led to increases in greenhouse gases in the atmosphere – leading to an ‘enhanced greenhouse effect’¹ – resulting in the earth becoming warmer (global warming).

According to the Bureau of Meteorology Australia’s 2022 State of the Climate Report² Australia’s climate has warmed by 1.47 ± 0.24 °C since national records began in 1910. Australia is also experiencing changes to rainfall patterns, increasing fire danger, increased extreme weather events and sea level rise.

The projected impacts of climate change in the central west region, according to the NSW and Australian Regional Climate Modelling (NARClM), are outlined in Figure 1.

Addressing climate change will require both mitigations, the reduction of greenhouse gas emissions, and adaptation, adapting to the actual or expected future climate.

¹ Sourced from www.climatechange.environment.nsw.gov.au/causes-climate-change

² Sourced from <http://www.bom.gov.au/state-of-the-climate>

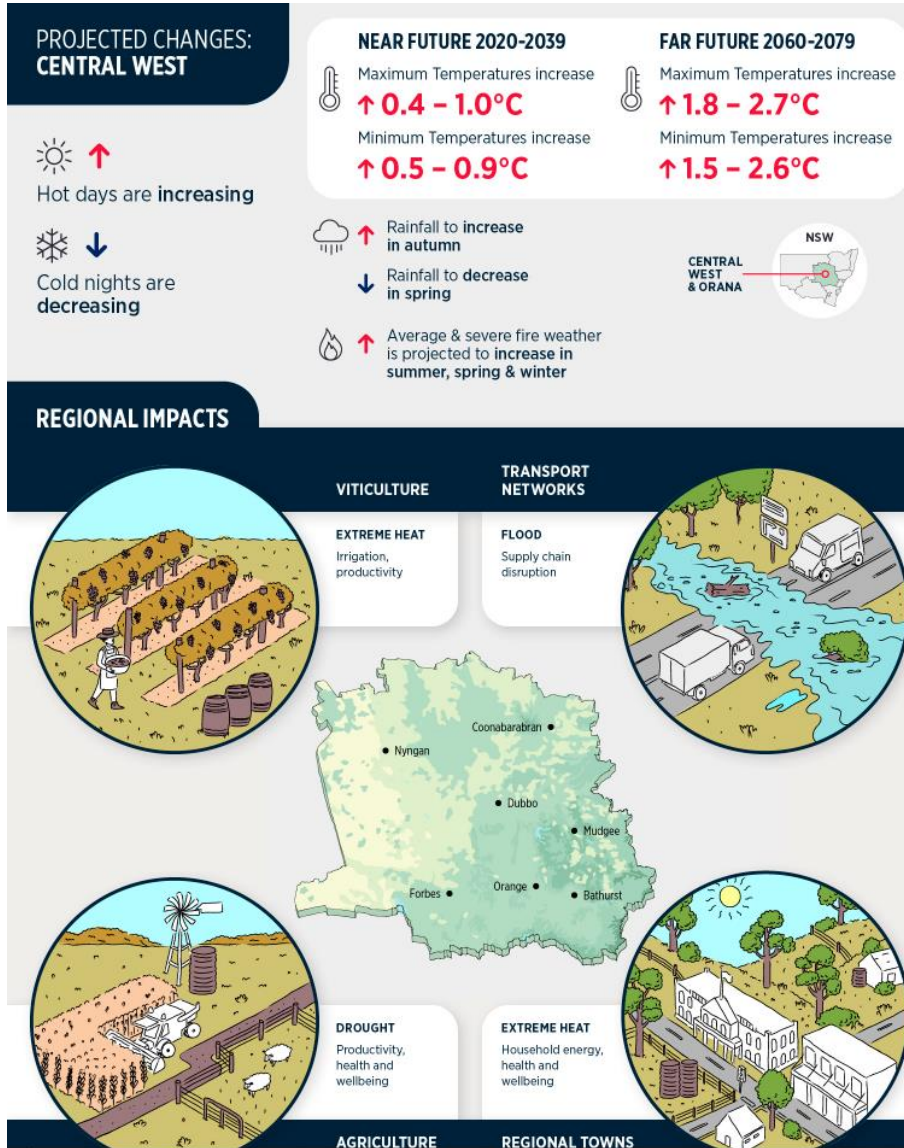


FIGURE 1: PROJECTED IMPACTS OF CLIMATE CHANGE IN THE CENTRAL WEST REGION



4.2 Global to local commitments for reducing greenhouse gas emissions

4.2.1 Global commitments

According to the IPCC’s report, *Climate Change 2021: the Physical Science Basis*³, humans have emitted over 85% of all emissions we can emit if we are to have a chance of remaining within 1.5°C of warming in the long term. Key agreements and reports that underpin international consensus to act to reduce emissions include:

1. *Sustainable Development Goals (SDGs)*⁴ - In 2015, countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals. The SDGs call on action from all countries to end poverty and promote prosperity while protecting the planet.
2. *Paris Agreement*⁵ - In 2015, countries adopted the Paris Agreement. Signatory countries agree to work to limit global temperature rise to well below 2°C, and given the grave risks, to strive for 1.5°C Celsius.
3. *IPCC Sixth Assessment Reporting cycle (AR6)*⁶ - The Report (AR6) comprises three Working Groups who report on climate change science, impacts, and global efforts towards mitigation and adaptation.



FIGURE 2: GLOBAL CONTEXT FOR ACTION ON CLIMATE

³ Sourced from <https://www.ipcc.ch/report/ar6/wg1/>

⁴ Sourced from <https://www.un.org/sustainabledevelopment/development-agenda/>

⁵ Sourced from <https://www.un.org/sustainabledevelopment/climatechange/>

⁶ Sourced from <https://www.ipcc.ch/report/sixth-assessment-report-cycle/>

4.2.2 National and State commitments

In Australia, the commitment to addressing climate change and to reducing emissions is becoming more uniform and aligned towards international goals across all levels of government. This includes ambitious efforts towards decarbonisation by the middle of the century.

The Federal Government has legislated emissions reduction of 43% by 2030 (from 2005 levels) and is committed to net zero by 2050.

The NSW Government has a target of 70% emissions reduction by 2035 and net zero by 2050, both targets are yet to be legislated.

Supporting the NSW Government’s commitment to reaching net zero emissions by 2050, the NSW Government has developed a *Net Zero Plan Stage 1: 2020–2030*⁷ to set a pathway to reach net zero emissions in NSW by 2050. Within the net zero target NSW has an interim goal to reduce emissions by 50% by 2030, supported by measures outlined in this Stage 1 Plan.

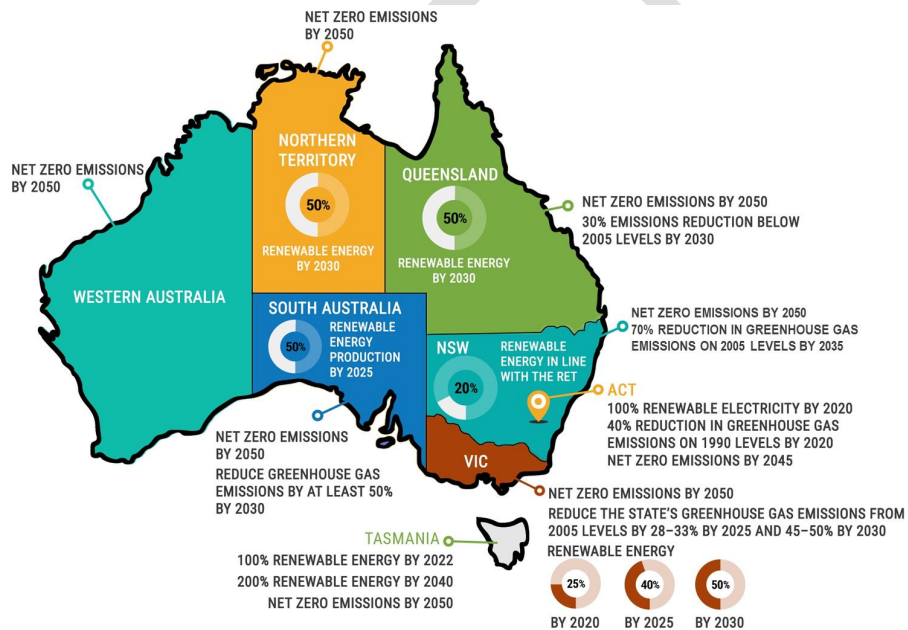


FIGURE 3: AUSTRALIA’S EMISSIONS REDUCTION GOALS AT STATES LEVEL

⁷ Source from www.energy.nsw.gov.au/sites/default/files/2022-08/net-zero-plan-2020-2030-200057.pdf



4.2.3 Local commitments

A large number of local governments and their communities, representing more than two thirds of NSW population, are committed to cutting their emissions, with commitments outlined below in Figure 4.

Bathurst, Tamworth, Albury and Wagga Wagga councils have all set targets to achieve net zero emissions within their operations by 2050 at the latest. Bathurst Regional Council has adopted to achieve 25% emissions reduction by FY 2025, a 60% (aspirational) emissions reduction by FY 2035, and net zero emissions by 2050 or earlier where cost effective and feasible. Whilst Orange City Council does not have a net zero target it has adopted a *Climate Change Management Plan* in 2021 which outlines how Council will reduce emissions within its operations.

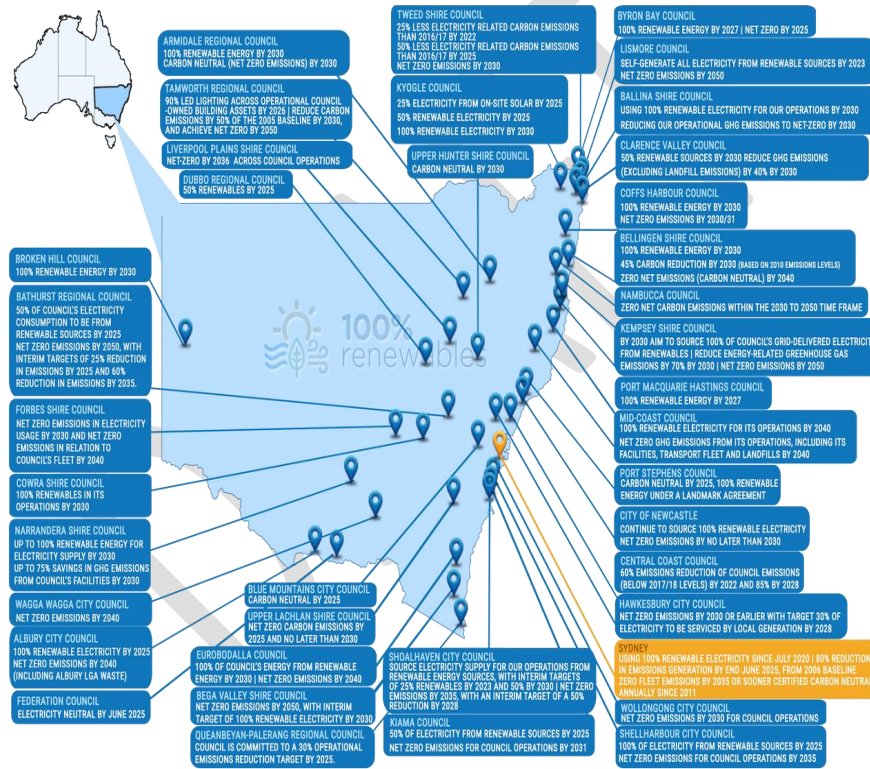


FIGURE 4: NET ZERO COMMITMENTS BY LOCAL GOVERNMENTS IN NEW SOUTH WALES (JUNE 2023)

4.3 What does achieving 'net zero emissions' mean and why it's important?

'Net zero emissions' is defined by the Intergovernmental Panel on Climate Change (IPCC)⁸, the United Nations body for assessing the science related to climate change, as:

"Net zero emissions are achieved when anthropogenic emissions of greenhouse gases to the atmosphere are balanced by anthropogenic removals over a specified period".

Simply put, at a global level we need to balance the amount of emissions we put into the atmosphere with the amount we take out to tackle the 'enhanced greenhouse gas' effect and resulting global warming or climate change.

At the end of 2022 ISO issued its Net Zero Guidelines to bring more clarity to the definition of net zero and support best practices to achieve it. The key clarification is that net zero and carbon neutral are two different concepts, albeit not exclusive. Carbon neutrality is a short-term goal where an organisation can compensate all its current emissions by retiring an equivalent amount of carbon offsets, while net zero is a target you aim to reach in the long run. Net zero is a much higher standard that is sustained over time where the priority is given to deep decarbonisation with carbon removal offsets used only after all possible emissions reduction actions have been taken, to compensate eventual residual emissions.

For Council, the goal of the Net Zero Framework is to achieve a significant reduction in emissions, aiming for zero or close to zero (typically at least 90% reduction based on best practice) by a target date, usually by or before 2050. To address any remaining emissions, Council will utilise carbon offsets to neutralise its environmental impact. This approach aligns with global climate goals and emphasizes the importance of taking action to mitigate greenhouse gas emissions.

4.4 What is considered best practice in setting a 'net zero' commitment?

The United Nations Framework Convention on Climate Change (UNFCCC) has developed a Guide⁹ which outlines key measures, or best practice, for setting and achieving net zero commitments. In particular, the Guide indicates that a credible net zero commitment must have the following elements:

1. Is it about now?

Does the commitment focus on acting right now, toward an interim 2030 target, as part of the global effort to halve emissions by 2030?

2. Is there a plan?

⁸ Sourced from www.ipcc.ch/sr15/chapter/glossary/#:~:text=The%20process%20by%20which%20countries,with%20electricity%2C%20industry%20and%20transport

⁹ Sourced from <https://racetozero.unfccc.int/wp-content/uploads/2021/07/Get-Net-Zero-right-2.pdf>



Do they have a clear plan of what actions will be taken immediately, and in the next five years, toward achieving both interim and longer-term targets?

3. Is it fast enough?

Are they planning to reach net zero emissions in time – before 2050? Does that target maximise their ability to act, given that some can get there faster than others?

4. Can you see progress?

Do they report publicly on their progress, at least annually, and against all of their emissions? (Scopes 1, 2, and 3).

5. What does it cover?

Does the commitment cover all greenhouse gas emissions including Scope 3 for businesses and investors? All emission sources should be discussed even if the plan is to manage them together with other partners.

6. Is it just offsetting?

Net Zero is not about offsetting. Organisations must not use offsets to substitute for or delay decarbonisation. Investing offsets can be completed alongside decarbonisation, or limited to balancing only the very hardest to abate emissions.

In light of the above UNFCCC guidance for reaching net zero emissions Dubbo Regional Council would need to ensure:

- GHG emissions from stationary fuel combustion such as natural and LP gas are minimised;
- GHG emissions from electricity consumption are minimised;
- GHG emissions from transport fuel combustion are minimised;
- GHG emissions from waste to landfill and wastewater systems are minimised;
- GHG emissions in the value chain – upstream and downstream are minimised, and
- Remaining emissions are offset or removed through sequestration measures.

5 Part B: Framework

5.1 Developing the Framework

5.1.1 Alignment to Best Practice

Council's Framework for committing to net zero emissions is structured around the United Nations Framework Convention on Climate Change (UNFCCC) guidance for setting and achieving net zero commitments.¹⁰

In particular, Council's Framework looks to:

- Set interim and long term targets to reduce greenhouse gas emissions, with at least a 50% reduction in emissions before 2030 and 100% (or net zero) by 2050 at the latest;
- Understand all Council's greenhouse gas emissions (Scopes 1 - 3) or 'Carbon' footprint;
- Create a plan of what goals or actions will be taken immediately and in the next five years towards meeting the interim and longer-term targets;
- Outline how goals or actions outlined in its plan will be implemented, reviewed, and reported on publicly; and
- Confirm that Council will not use offsets to substitute for or delay decarbonisation.

5.1.2 Framework Structure

The Net Zero Framework has been developed in the following four parts:

1. **Council's Carbon Footprint**
Council's current and future greenhouse gas emission profile, or carbon footprint, for its operations has been assessed to identify Council's leading sources of emissions and priority areas for emission reduction.
2. **Priority Areas for Action**
Council's priority areas for emission reduction have been identified based on its carbon footprint, and short, medium and long term emission reduction goals developed according to explored opportunities (or pathways) for emission reduction.
3. **Net Zero Targets**
Targets to reduce emissions to zero in the short, medium, and long term have been developed according to the recommended and modelled, short, medium, and long Priority Area emission reduction goals.
4. **Greenhouse Gas Emission Data Monitoring Plan**
A greenhouse gas emission data monitoring plan has been developed to ensure Council's Net Zero Targets can be adequately measured, monitored and reported against.

¹⁰ Sourced from <https://racetozero.unfccc.int/wp-content/uploads/2021/07/Get-Net-Zero-right-2.pdf>

5.1.3 Engagement and Consultation

The following outlines how Council staff have been engaged and consulted in the development of the Net Zero Framework for Council operations, with consultation completed by 100% Renewables.

TABLE 2: ENGAGEMENT LIST AND DETAILS

Key Dates	Consultation Method	Stakeholder	Comments
February 2023	1 x Stakeholder Workshop – via Microsoft Teams	Relevant Council staff	This workshop introduced Council's scope 1 & 2 emission baseline from the 21/22 FY and sought feedback on possible opportunities to reduce scope 1 & 2 emissions.
March 2023	3 x Individual Meetings – via Microsoft Teams	Relevant Council staff	Additional meetings were held with key Council staff including fleet, water & sewer, and waste to further outline opportunities to reduce scope 1 & 2 emissions.
March 2023	1 x Stakeholder Workshop – via Microsoft Teams	Relevant Council staff	This workshop introduced Council's scope 3 emission baseline from the 21/22 FY and sought feedback on what scope 3 emissions should or should not be included (e.g., boundary assessment).
March 2023	1 x Stakeholder Workshop – via Microsoft Teams	Relevant Council staff	This workshop provided a summary of Council's opportunities to reduce scope 1 and 2 emissions and sought feedback on what opportunities should or should not be included in the draft Framework.
June 2023	1 x Presentation – via Microsoft Teams	Executive leadership team	This presentation provided a briefing on the initial draft Net Zero Framework for Council operations and sought feedback on the draft. A Report was also provided prior to the presentation.

5.2 Council's Carbon Footprint

5.2.1 Identifying Council's Current Carbon Footprint

In order to understand priority areas for emission reduction Council's greenhouse gas emissions profile (carbon footprint) for its current year FY 2022 was completed based on business-as-usual operations.

To examine Council's carbon footprint greenhouse gas emissions are classified into three scopes according to the GHG Protocol – Corporate Standard¹¹:

¹¹ Sourced from <https://ghgprotocol.org>

- **Scope 1 emissions** are greenhouse gas emissions ‘directly’ generated at Council operations such as the production of waste, gas consumption, driving company cars, or refrigerant gases in air conditioning equipment.
- **Scope 2 emissions** are greenhouse gas emissions ‘indirectly’ generated by consuming electricity for Council operations. These emissions are generated outside of Council (think coal-fired power station), but Council is indirectly responsible for them.
- **Scope 3 emissions** are greenhouse gas emissions ‘indirectly’ generated upstream and downstream of Council. Typical examples are staff commute, air travel, the purchase of goods and services, contractor emissions, or leased assets.



FIGURE 5: SCOPE 1, SCOPE 2 AND SCOPE 3 EMISSIONS

In developing Council’s current carbon footprint for its operations, the above GHG Protocol – Corporate Standard has been utilised. Noting the following factors have been included:

- Inclusion of all emissions including scope 1, scope 2, and scope 3.
- In relation to scope 1 emissions (direct emissions), since Council operates a landfill, greenhouse gas emissions from the landfill are included as Council’s scope 1 emissions.
- In relation to scope 3 emissions (indirect emissions), the scope 3 emissions are non-quantified and estimated at this time in accordance with the *Australian Government’s Climate Active Standard*¹² and in relation to Council’s expenditure for the FY 2022. This is due to a lack of adequate data collection on scope 3 emissions and it is recommended that Council take several actions to improve data collection in future years. Refer to the section on ‘Monitoring’ (6.2) for more information.

¹² Sourced from <https://www.climateactive.org.au/be-climate-active/certification>



5.2.2 Council's Current Carbon Footprint (FY 2022)

Dubbo Regional Council's complete greenhouse gas emission profile, or carbon footprint, for the 2021/2022 financial year (FY 2022) has been assessed and presented in Figure 6. This includes an assessment of scope 1, scope 2 and scope 3 greenhouse gas emissions.

Council's current carbon footprint identified that scope 1 and 2 greenhouse gas emissions accounted for 80% of Council's greenhouse gas emissions in the FY 2022.

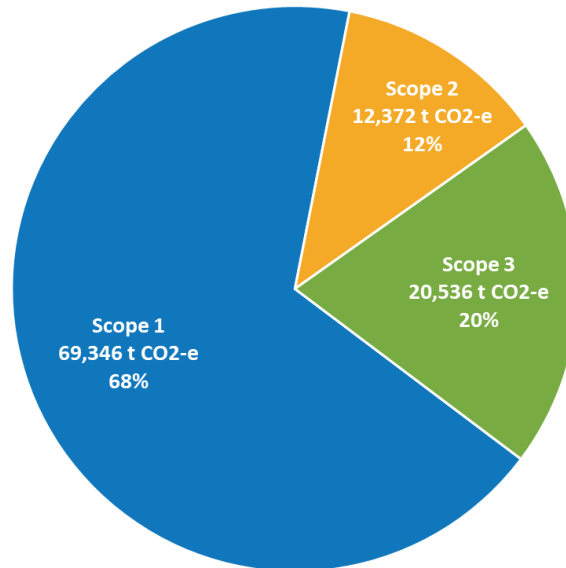


FIGURE 6: DUBBO REGIONAL COUNCIL'S FY 2022 CARBON FOOTPRINT BY SCOPE

To further identify Council's leading sources of greenhouse gas emissions, and areas where improvements can be made to reduce emissions, further detailed information is provided in Figure 7 and Table 3 including the source, amount and percentage of Council's scope 1, 2 and 3 greenhouse gas emissions in the FY 2022.

The leading sources of Council's greenhouse gas emissions in FY 2022 was 'waste to landfill' (scope 1, 62%), followed by electricity use for Council's assets and street lighting (scope 2 – 14%).

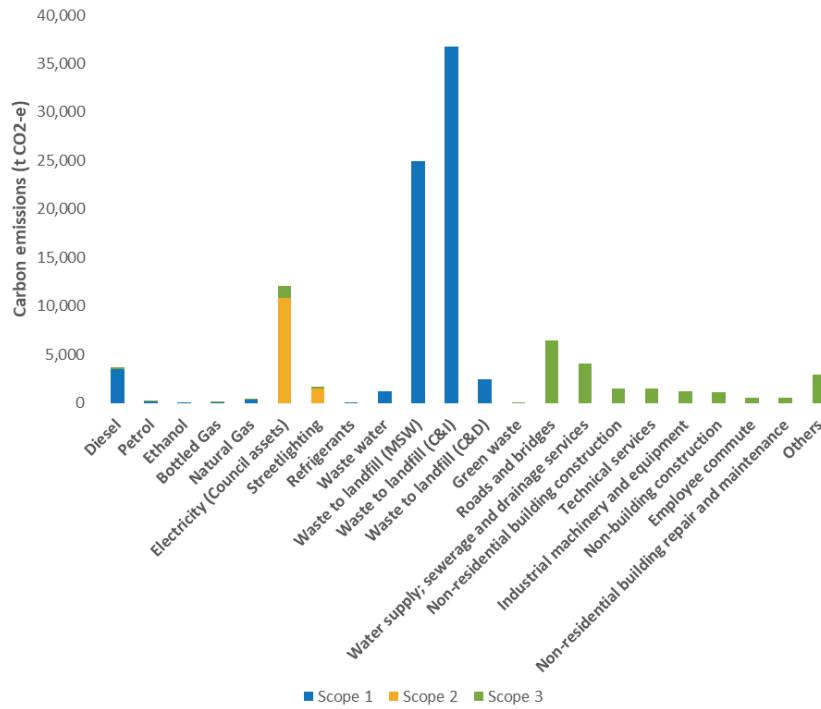


FIGURE 7: DUBBO REGIONAL COUNCIL'S FY 2022 CARBON FOOTPRINT

TABLE 3: DUBBO REGIONAL COUNCIL'S FY 2022 CARBON FOOTPRINT (SCOPE 1, 2 AND 3)

Emission source	Activity data	Units	Scope 1	Scope 2	Scope 3	Total	%
Diesel	1,288	kL	3,501		179	3,680	4%
Petrol	62	kL	147		8	155	0%
Ethanol	7	kL	0.4		0	0.4	0%
Bottled Gas	10	kL	16		1	17	0%
Natural Gas	6,833	GJ	352		90	442	0%
Electricity (Council assets)	14,936,075	kWh		10,868	1,195	12,063	12%
Streetlighting	2,060,107	kWh		1,504	165	1,669	2%
Refrigerants	45	t CO2-e	45			45	0%
Wastewater	1,186	t CO2-e	1,186			1,186	1%
Waste to landfill (MSW)	15,585	tonnes	24,936			24,936	24%



Emission source	Activity data	Units	Scope 1	Scope 2	Scope 3	Total	%
Waste to landfill (C&I)	28,280	tonnes	36,764			36,764	36%
Waste to landfill (C&D)	11,988	tonnes	2,398			2,398	2%
Green waste	246	tonnes			11	11	0%
Roads and bridges	27,509,207	\$			6,486	6,486	6%
Water supply; sewerage and drainage services	8,631,170	\$			4,030	4,030	4%
Non-residential building construction	5,274,800	\$			1,514	1,514	1%
Technical services	12,193,924	\$			1,453	1,453	1%
Industrial machinery and equipment	7,412,418	\$			1,198	1,198	1%
Non-building construction	3,666,706	\$			1,128	1,128	1%
Employee commute	559	t CO2-e			559	559	1%
Non-residential building repair and maintenance	3,361,572	\$			528	528	1%
Business services	6,366,822	\$			394	394	0%
Plant leasing, hiring and renting services	2,518,963	\$			387	387	0%
Computer and technical services	1,496,156	\$			174	174	0%
Entertainment	1,369,191	\$			157	157	0%
Electronic equipment	1,054,317	\$			154	154	0%
Parks, botanical gardens and zoos	1,323,009	\$			131	131	0%
Sport and recreation services	871,775	\$			103	103	0%
Legal services	800,478	\$			86	86	0%
Advertising services	865,907	\$			83	83	0%
Printing and stationery	298,367	\$			72	72	0%
Electrical equipment	361,226	\$			68	68	0%
Insurance	3,038,408	\$			63	63	0%
Domestic telecommunication services	401,318	\$			46	46	0%
Cleaning	385,825	\$			40	40	0%
Pest control	134,291	\$			14	14	0%
WFH	14	t CO2-e			14	14	0%
Education	52,081	\$			4	4	0%
Security and investigation	18,865	\$			1	1	0%



Emission source	Activity data	Units	Scope 1	Scope 2	Scope 3	Total	%
Banking	26,923	\$			1	1	0%
Taxi and hire car	745	\$			0	0	0%
TOTAL (t CO₂-e)			69,346	12,372	20,536	102,254	100%

5.2.3 Identifying Council's Future Carbon Footprint (BAU)

To grasp the magnitude of the emissions reduction challenge faced by the Council, it is crucial to assess both the current carbon footprint and generate a future emissions forecast. This forecast should account for anticipated alterations in the Council's operations, as well as any projected changes in external factors.

Council's future carbon footprint for its operations has been developed using the GHG Protocol - Corporate Standard. Furthermore, the following factors have been considered and incorporated:

- Emissions reductions resulting from external factors, such as grid decarbonisation.
- Population growth and its potential impact on the demand for Council services, which may lead to an increase or decrease in emissions.
- Any additions, divestments, or significant changes to operations, including temporary, periodic, or permanent alterations.
- Council's scope 1, 2, and 3 greenhouse gas emissions.

By considering these elements, a comprehensive assessment of Council's future carbon footprint has been achieved.

These 'business as usual' or BAU changes are estimated to extend until FY 2050. This timeframe allows for a projection of Council's greenhouse gas emissions within its operations in the absence of any additional measures to reduce emissions beyond FY 2024.

TABLE 4: BAU ASSUMPTIONS

Category	BAU assumptions
Grid decarbonisation	The forecasted carbon footprint includes the transition of the NSW grid to renewables, and the potential rate of change in the grid carbon intensity. These projections are based on the estimates provided by the Department of Industry, Science, Energy, and Resources (DISER) in their December 2022 publication. It's important to note that forecasts of grid changes are subject to high dynamism, and there is a possibility of even more rapid phasing out of coal-fired power.
Population	The population of Dubbo Regional Council has demonstrated an average annual growth rate of 1.3% (varying between 0.81% and 1.79%) since 2011. Taking this trend into account, a year-on-year forecast has been developed and incorporated into the projected carbon footprint. This forecast anticipates a continued growth rate of 1.3% per annum until 2050. As the population expands, it is expected that Council services will

Category	BAU assumptions
	need to expand correspondingly to meet the community's needs. It is crucial to reflect this growth in the business-as-usual forecasts
Fuel	Assumes 1.3% increase in fuel usage annually to align with population growth
Gas	Assumes 1.3% increase in gas usage annually to align with population growth
Purchased electricity	Assumes Council continues to source electricity from 'regular' power supply agreements (no PPA) and an increase by 1.3% annually to align with population growth
Wastewater	Assumes wastewater emissions will increase by 1.3% annually to align with population growth
Landfill waste	Assumes waste emissions will increase by 1.3% annually to align with population growth
Refrigerants	Assumes 0% increase in refrigerant emissions
Supply/value chain	Assumes supply/value chain emissions will increase by 1.3% annually to align with population growth

5.2.4 Council's future carbon footprint (BAU)

Dubbo Regional Council's future carbon footprint, relating to scope 1, 2 and 3 greenhouse emissions and business as usual operations, have been forecast and provided below in Figure 8. These forecasts take into account the factors as identified in the previous section, including grid decarbonisation and population growth.



Net Zero Framework: Dubbo Regional Council

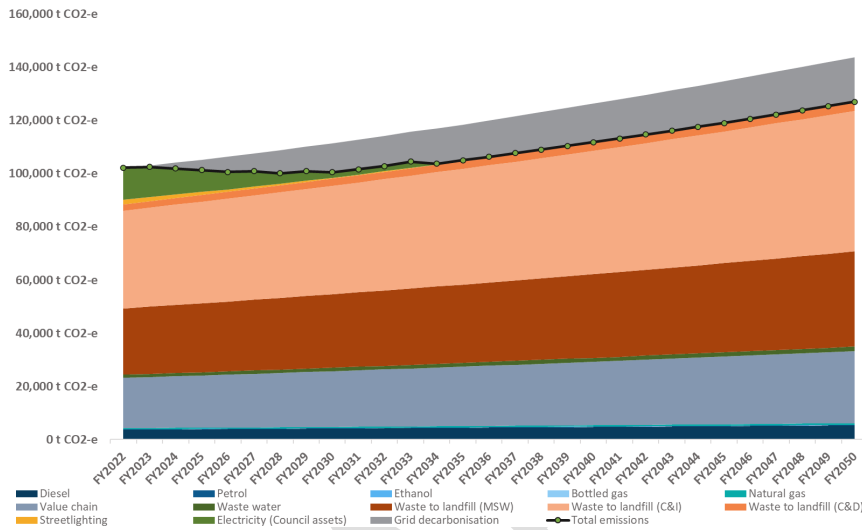


FIGURE 8: DUBBO REGIONAL COUNCIL - BUSINESS-AS-USUAL TOTAL EMISSIONS PROJECTION (SCOPE 1, 2, 3)

A projection of Council’s energy demand using the business-as-usual (BAU) assumptions (e.g. fuel, electricity, and gas use) is provided in the figure below.

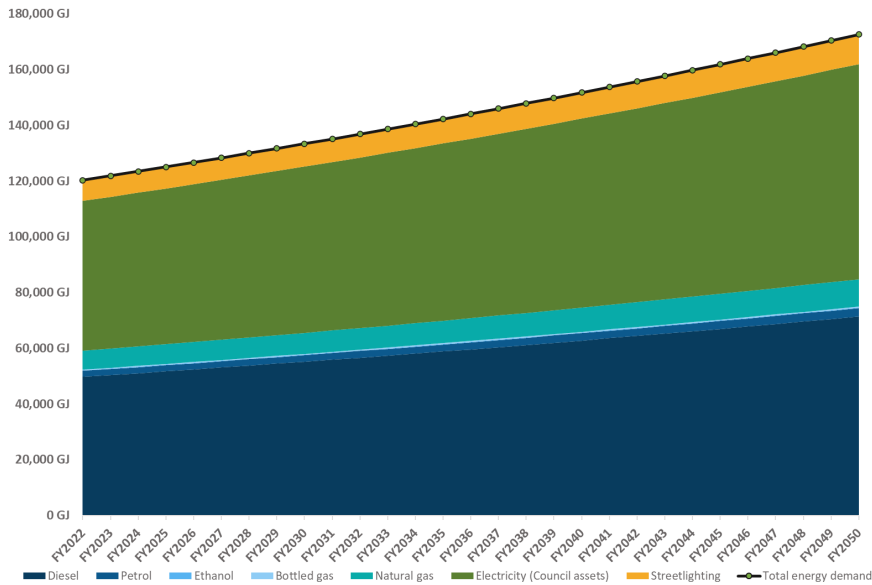


FIGURE 9: DUBBO REGIONAL COUNCIL - BUSINESS-AS-USUAL ENERGY DEMAND PROJECTION



5.3 Priority Areas for Action

Council's Priority Areas for emission reduction have been identified and listed in order of importance based on Council's carbon footprint and with a focus on addressing scope 1 and 2 emissions first where Council has more direct control and ability to influence.

For Council to meet its net zero targets it is recommended that short, medium and long term emission reduction goals be developed for each priority area and integrated into Council's existing or new strategies and action plans.

The recommended Emission Reduction Goals have been formulated through consultations with Council staff and adhere to best practice principles that prioritize emission avoidance and reduction, with offsetting emissions considered as a last resort.

5.3.1 Landfill Waste

Scope:

This Priority Area focuses on emissions stemming from waste management at Council's two landfill sites: the Wellington Transfer Station and Whylandra Waste and Recycling Centre. The landfill waste is categorized into three distinct types:

- Municipal Solid Waste (MSW): This includes household waste generated within the municipality.
- Commercial and Industrial Waste (C&I): This comprises waste generated by businesses and industrial activities within the area.
- Construction and Demolition Waste (C&D): This category encompasses waste generated during construction, renovation, and demolition projects.

Efforts to reduce emissions in this Priority Area will primarily revolve around implementing sustainable waste management practices and exploring opportunities for waste reduction, recycling, and responsible disposal at both landfill sites.

Emissions profile:

Landfill waste is Council's leading source of emissions. Waste to landfill is a scope 1 greenhouse gas emission and in FY 2022 contributed to 62% of Council's greenhouse gas emissions from its operations.

What is considered best practice in reducing emissions?

Council's primary greenhouse gas emissions stem from landfill waste, encompassing waste originating from both Council operations and the local community, which is deposited at Council's landfill sites. The decomposition of organic waste within landfills leads to the release of methane and other greenhouse gases, thereby contributing to the overall greenhouse gas emissions.

To reduce the greenhouse gas emissions associated with landfill waste the principles of the 'waste hierarchy'¹³, which underpin the objectives of the *NSW Waste Avoidance and Resource Recovery Act 2001*, should be applied. Waste should be avoided, reused, recycled, recovered, and treated before it is disposed to landfill.

¹³ Source from <https://legislation.nsw.gov.au/view/html/inforce/current/act-2001-058#sec.3>

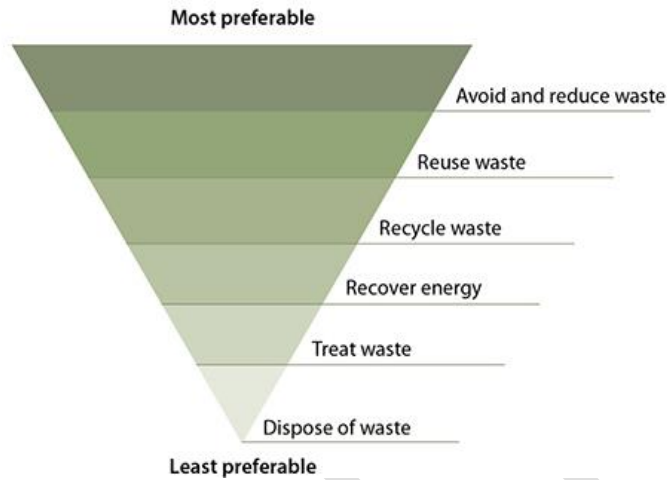


FIGURE 10: THE WASTE HIERARCHY, NSW WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2001¹⁴

The *NSW Waste and Sustainable Materials Strategy 2041*¹⁵ provides further guidance to councils in applying the principles of the waste hierarchy within their operations and sets out a few targets to be achieved in order to reduce waste to landfill in the coming decades. The Targets include:

- Implement measures to achieve 10% waste reduction per person by 2030;
- Increase Food Organics and Garden Organics (FOGO) capture to achieve 50% organics collection by 2030; and
- Implement diversion from landfills to achieve 80% waste diversion by 2030.

At a regional level, the *Netwaste Regional Waste and Sustainable Materials Strategy 2023 – 2027*¹⁶ outlines how councils in the central west region can work together to achieve better waste management according to the *NSW Waste and Sustainable Materials Strategy 2041* and its adopted Targets.

What initiatives is Council currently implementing to reduce emissions?

According to the provided *Netwaste Strategy*, Dubbo Regional Council holds the distinction of having the largest population, number of households, and subsequently generates the highest quantities of waste destined for landfill among all the councils within the *Netwaste region*. The *Strategy* emphasizes that in 2019, the average waste diversion rate from landfill across the *Netwaste region* was 39%. In comparison, Dubbo Regional Council achieved a waste diversion rate of 35%, while Orange reached 53% and Bathurst achieved 28%. These figures highlight the need for Dubbo Regional Council to

¹⁴ Sourced from <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/warr-strategy/the-waste-hierarchy#:~:text=The%20waste%20hierarchy%20is%20a,and%20all%20levels%20of%20government>
¹⁵ Sourced from https://www.dpie.nsw.gov.au/_data/assets/pdf_file/0006/385683/NSW-Waste-and-Sustainable-Materials-Strategy-2041.pdf
¹⁶ Sourced from <https://www.netwaste.com.au/about-us/rethinking-waste-netwaste-strategic-waste-plan>



explore strategies and initiatives to enhance waste diversion and reduce the amount of waste sent to landfill, in line with the performance of other councils in the region.

Since 2019, Dubbo Regional Council has made significant progress in increasing its average waste diversion rate from landfill. Specifically, relating to its primary landfill site, Whylandra, and transfer stations, the average diversion rate has risen to approximately 43% as of FY 2022. This represents an increase of 8% within a span of three to four years. The notable improvement in waste diversion can be primarily attributed to Council's introduction of Food Organics and Garden Organics (FOGO) recycling services.

Council's waste management efforts currently encompass the management of two landfill sites, namely the Whylandra Waste and Recycling Centre and the Wellington Transfer Station. To enhance waste diversion and reduce reliance on landfill, Council implements several key initiatives:

Waste avoidance and reduction

- Council has taken the initiative to hire a Resource Recovery Education Officer who is responsible for implementing community education programs across the local government area. The primary objective of these programs is to encourage residents, schools, and businesses to actively avoid and reduce waste that is sent to landfill. As part of this program, various resources and support are provided to businesses, charity shops, and schools to assist them in their waste reduction efforts. These resources may include guidance on reducing food waste, conducting waste audits, developing action plans, and accessing recycling services such as Food Organics and Garden Organics (FOGO) recycling. The overall aim is to raise awareness, educate the community, and foster sustainable waste management practices at different levels within the local government area.

Resource recovery

- Council currently offers services to recycle and recover materials, including plastics, cardboard/paper, steel, aluminium, glass, food and garden organics, metal, whitegoods, chemical drums, batteries, e-waste, gas bottles, fluorescent light globes, and motor oil to increase the diversion of waste from landfill.
- Council actively collaborates with local businesses and industries to enhance their recycling rates through various initiatives. One of these initiatives involves conducting business education programs facilitated by Council's Resource Recovery Education Officer. The Resource Recovery Education Officer works closely with businesses to provide education, resources, and guidance on effective waste management practices, with a specific focus on recycling.
- Council has taken a recent step in promoting sustainability by developing a Sustainable Buildings Policy and Standards. This policy aims to increase the utilization of recycled materials in Council buildings during construction or renovation projects. By incorporating recycled materials into building processes, Council aims to reduce the environmental impact associated with the construction industry and contribute to the circular economy.

Regional waste management

- Council actively participates as a member of Netwaste, collaborating with other member councils in various initiatives aimed at improving waste management practices and reducing waste to landfill across the region. Through this membership, Council engages in joint waste service procurement, waste and recycling programs, community education, knowledge sharing, and advocacy efforts.

**What further initiatives could Council implement to reduce emissions?**

Building upon the principles of best practice waste management, the current initiatives implemented by Council, and the insights gained from workshops with Council staff, the following 'key' initiatives are suggested for further implementation by Council. These initiatives aim to reduce emissions from landfill waste and align with Council's net-zero targets. It is important to note that detailed initiatives to reduce emissions from landfill will be outlined in Council's future waste strategy.

Waste avoidance and reduction

- Continuing to employ a Resource Recovery Education Officer to implement community education programs across the local government area is a valuable initiative to encourage waste avoidance and reduction among residents and businesses. The Resource Recovery Education Officer can play a pivotal role in promoting sustainable waste management practices and raising awareness about the importance of waste reduction.
- Council can take proactive steps to develop and implement policies aimed at banning single-use plastics within its operations, including events, and promoting reusable alternatives. This approach will contribute to reducing waste generation and fostering a more sustainable environment.
- Support waste avoidance initiatives such as the expansion of resource recovery centres, establishment of tip shops at landfill sites, and the promotion of the reuse and repair sector.

Resource recovery

- Continue to offer services to recycle and recover materials, including plastics, cardboard/paper, aluminium, glass, metal and food and garden organics, to increase the diversion of waste from landfill
- Consider implementing initiatives to work with local businesses and industry to increase their recycling rates and explore innovative ways to reuse and repurpose waste materials.
- Continue to develop and implement policies to increase the use of recycled materials within Council operations. Develop a policy for Council's infrastructure projects targeting the construction of roads and bridges.
- Work with Netwaste councils to further identify opportunities for increased resource recovery

Regional waste management

- Council can maintain its membership with Netwaste and actively participate in collaborative efforts with other member councils. This involvement allows Council to benefit from joint waste service procurement, waste and recycling programs, community education initiatives, knowledge sharing, and advocacy campaigns. By continuing to engage with Netwaste, Council can contribute to the collective efforts aimed at increasing recycling rates and reducing waste to landfill across the region. This collaborative approach fosters resource sharing, promotes best practices, and enables Council to stay updated on the latest developments and innovations in waste management.



5.3.1.1 Recommended emission reduction goals

Based on best practice principles for waste management, as well as the current and future initiatives undertaken by Council to reduce emissions from landfill waste, it is recommended to incorporate the following emission reduction goals into Council's future waste strategy:

Council will be offsetting remaining waste emissions that cannot be mitigated through other means after applying waste reduction strategy in its operations. This can be achieved through the flaring of methane gas at Council's primary landfill site and the retirement of any generated certificates, such as Australian Carbon Credit Units (ACCUs). It's important to note that the flaring of methane gas at the landfill site is currently managed by an independent third party until 2027. Under the existing contract, Council has a limited capacity to receive and potentially retire ACCUs. The contract allows for the retirement of up to 17.5% of the generated ACCUs. This means that Council can utilize a portion of the ACCUs for offsetting purposes, contributing to the reduction of its overall greenhouse gas emissions. Council should actively monitor the progress of its emission reduction efforts and assess the effectiveness of its waste management strategies. This approach ensures that Council is taking responsibility for its waste emissions and working towards achieving its net zero targets.

TABLE 5: RECOMMENDED EMISSION REDUCTION GOALS (WASTE)

Goal/timeframe	Short term goal	Medium term goal	Long term goal	Goal scope
W1	5% reduction of total waste generated per person by FY 2027 compared with FY 2022	10% reduction of total waste generated per person by FY 2030 compared with FY 2022 (NSW Target)	Maintain a 10% reduction of total waste generated per person by FY 2050 compared with FY 2022	All LGA residents
W2	25% reduction in the amount of organics going to landfill by FY 2027 compared with FY 2022	50% reduction in the amount of organics going to landfill by FY 2030 compared with FY 2022 (NSW Target)	Maintain a 50% reduction in the amount of organics going to landfill by FY 2050 compared with FY 2022	All LGA materials (domestic and other waste types) due to Council owning and managing landfill sites
W3	Increase materials recovery rates to 50% by FY 2027	Increase materials recovery rates to 80% by FY 2030 (NSW Target)	Increase materials recovery rates to 90% by FY 2050	All LGA materials (domestic and other waste types) due to Council owning and managing landfill sites
W4	0% of Council's annual landfill waste emissions are offset through the retirement of ACCUs generated from methane flaring at Council's landfill sites. (The number of ACCUs attributed to Council is currently being sold.)	5% of Council's annual landfill waste emissions are offset through the retirement of ACCUs generated from methane flaring at Council's landfill sites by FY 2030	10% of Council's annual landfill waste emissions are offset through the retirement of ACCUs generated from methane flaring at Council's landfill sites by FY 2050	Whylandra and Wellington landfill sites



5.3.2 Electricity (Purchased)

Scope:

This Priority Area covers emissions from 'purchased electricity' for Council's assets and street lighting.

Emissions profile:

Purchased electricity is identified as the second leading source of emissions for Council. It is important to note that purchased electricity for Council's assets and street lighting falls under scope 2 and 3 greenhouse gas emissions. In FY 2022, it contributed to approximately 14% of Council's overall greenhouse gas emissions from its operations.

What is considered best practice in reducing emissions?

In recent years, there has been a significant shift in NSW towards generating electricity from renewable sources as part of efforts to reduce greenhouse gas emissions. This shift has been driven by the closure of coal-fired power stations in NSW and across Australia, which are being replaced by renewable energy generation technologies such as solar, wind, pumped hydro, and grid-scale batteries.

The transition to renewable energy is crucial for achieving decarbonisation goals and mitigating the impacts of climate change. The development of designated Renewable Energy Zones (REZ) plays a key role in facilitating the expansion of renewable energy infrastructure. These REZs are strategic areas where renewable energy projects are concentrated, allowing for efficient transmission and distribution of clean energy across the grid.

By leveraging the opportunities presented by the development of REZs and the increasing availability of renewable energy technologies, Council can explore options for sourcing a greater portion of its electricity from renewable sources. This will contribute to reducing the carbon intensity associated with purchased electricity and help Council in achieving its emission reduction targets. Collaboration with energy providers, investment in renewable energy projects, and exploring power purchase agreements for clean energy can all be part of Council's efforts to support the transition to a renewable energy-powered grid.

The Australian Energy Market Operator's (AEMO) Integrated System Plan 2022 (ISP2022)¹⁷ models future scenarios for the penetration of renewable energy in the National Electricity Market (NEM). This is illustrated below and the ISP2022 forecast highlights the increasing likelihood of a "rapid transition to renewables" facilitated by the NSW Government's Electricity Infrastructure Investment Bill.

¹⁷ Sourced from <https://aemo.com.au/consultations/current-and-closed-consultations/2022-draft-isp-consultation>

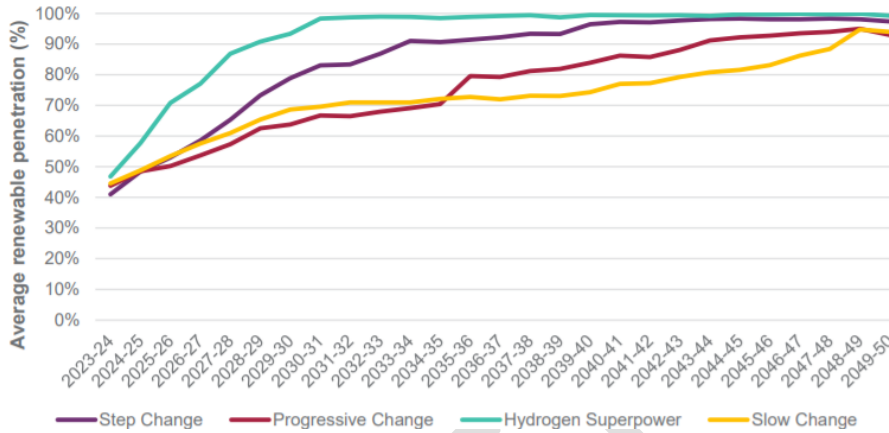


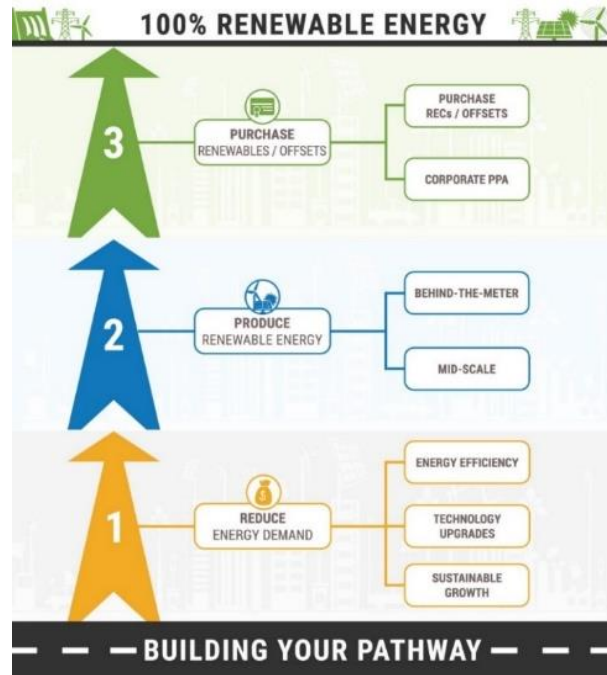
FIGURE 11: AEMO MODEL OF RENEWABLE ENERGY PENETRATION IN ISP2022 SCENARIOS¹⁸

Council’s adopted *Energy Strategy and Implementation Plan 2020 to 2025*¹⁹, developed with the support of 100% Renewables and the NSW Government’s Sustainability Advantage Program, identifies that to reduce greenhouse gas emissions from purchased electricity best practice is to:

1. First reduce Council electricity consumption and demand, such as through energy efficiency measures, technology upgrades and sustainable growth practices;
2. Secondly, produce Council own renewable electricity, such as through from behind the meter solar installations; and
3. Thirdly, purchase renewable electricity via renewable electricity certificates and/or renewable energy power purchasing agreements (PPAs)

¹⁸ Sourced from <https://aemo.com.au/consultations/current-and-closed-consultations/2022-draft-isp-consultation>

¹⁹ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/plans-strategies>

FIGURE 12: BEST PRACTICE IN ENERGY MANAGEMENT²⁰**What initiatives is Council currently implementing to reduce emissions?**

On 24 February 2020 Dubbo Regional Council adopted an *Energy Strategy and Implementation Plan 2020 – 2025*²¹ for its operations. The Strategy and Implementation Plan included four key strategy areas with the following goals:

1. Energy Efficiency - Council implements energy efficiency practices and improvements across its activities and operations.
2. Renewable Energy - Council obtains 50% of its predicted electricity consumption by 2025 from renewables, directly or by purchasing renewable energy.
3. Sustainable Transport - Council plans for, and begins to transition to, a zero emissions fleet by 2025.
4. Supporting Energy Smart Communities - The community is supported in becoming energy smart and ultimately adopts energy efficiency, renewable energy and sustainable transport practices.

Key initiatives implemented under the *Strategy and Implementation Plan* since its' adoption have included:

²⁰ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/plans-strategies>

²¹ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/plans-strategies>



Energy efficiency

- Upgrade of 88% of Council's street light network to LED technology
- Upgrade of building and facility lighting to LED technology at the Dubbo Regional Airport, Dubbo Saleyards, Dubbo Aquatic & Leisure Centre, Western Plains Cultural Centre, Dubbo, and Wellington Depots.
- Upgrade of boiler and chiller equipment at the Western Plains Cultural Centre
- Upgrade to more energy and water efficient dishwashers (4 energy star, 6 water star), and revising automatic lighting and air conditioning timer settings at the Dubbo and Wellington Libraries
- Installation of Building Management Systems (BMS) at the Dubbo Regional Airport, Western Plains Cultural Centre, and Dubbo Civic Administration Building. The BMS allows for more detailed energy monitoring and subsequent identification of potential energy saving opportunities.
- Setting minimum energy efficiency benchmarks for all new Council builds and renovations as part of an adopted *Council Sustainable Buildings Policy and Standards*²² in April 2023.
- Continuing to monitor Council's energy performance via energy management software with facility managers using this software to monitor their facility or building energy consumption and costs.

Behind the meter solar

- Installation of a total of 275 KW of behind the meter solar systems across Council buildings and facilities, taking Council's total installed BTM solar to 373 kW.

Purchased renewable electricity

- From January 2023 Council's small energy using sites, which account for 20% of Council's total electricity use, have been utilising 100% renewable electricity. The small sites contract included an agreement to purchase 100% renewable electricity via the Green Power™ for the life of the contract.
- From July 2023, Council's large energy using sites and street lighting electricity, which account for 80% of Council's total electricity use, will utilise an increasing percentage of renewable electricity. The large site and street lighting contract included an agreement to purchase an increasing percentage of renewable electricity for the life of the contract from FY 2023 until FY 2030. Initially 25% from FY 2023 to FY 2024. This percentage will then increase to 50% in FY 2025 and FY 2026, further to 75% in FY 2027 to FY 2029, and finally to 100% in FY 2030.

What further initiatives could be implemented to reduce emissions?

Based on best practice energy management principles, the current initiatives implemented by Council, and workshops with Council staff, the following key initiatives are recommended to be further implemented by Council to reduce emissions from purchased electricity and achieve Council's net-zero targets. It is important to note that additional initiatives to reduce emissions from purchased electricity will be outlined in Council's current and future energy strategies.

Energy efficiency

- Upgrade the remaining 12% Council's street light network to LED technology.
- Continue to upgrade Council sewerage treatment works to improve their energy efficiency, including upgrading pumps with VSD controls that can adjust the speed of the motor to match the required flow rate, resulting in significant energy savings.

²² Sourced from Dubbo Regional Council Sustainable Buildings Policy and Standards (Management Policy)



- Continue to install Building Management Systems (BMS) across Council's high energy use buildings. BMS include sensors which will help to detect occupancy and activity levels and adjust lighting and temperature settings accordingly, resulting in energy savings.
- Prioritize and consider the accelerated phase out of older air conditioning systems, particularly those using R22 gas which is a refrigerant known to deplete the ozone layer and its manufacture is banned in Australia. Switching to sustainable and efficient air conditioning systems will result in increased energy efficiency, and reduced refrigerant charge and leakage rates, resulting in lower operating costs.
- Continue to provide internal education and training of staff in relation to energy management.
- Continue to monitor facility energy performance through analysis of energy use data, profiles and trends using energy management software such as e21.

Behind the meter solar

- Installation of an additional 600 kW of behind the meter PV systems across Council's facilities by 2025, including 300kW in FY2024 and 300kW in FY2025. These new behind the meter solar installations will be ideally situated on water and sewer facilities and the airport.

Purchased renewable electricity

- Ensure Council's small energy using sites, which account for 20% of Council's total electricity use, continue to be 100% renewable past the life of the current contract and up until 2050.
- Ensure Council's large energy using sites and street lighting, which account for 80% of Council's total electricity use, continue to be 100% renewable past the life of the current contract and up until 2050.



5.3.2.1 Recommended emission reduction goals

Based on best practice principles for energy management, current and future Council initiatives to reduce emissions from purchased electricity, the following emission reduction goals are recommended to be incorporated into Council's current and future energy strategies.

TABLE 6: RECOMMENDED EMISSION REDUCTION GOALS (PURCHASED ELECTRICITY)

Goal/timeframe	Short term goal	Medium term goal	Long term goal
E1	Council implements energy efficiency practices and improvements across its activities and operations to achieve a 10% to 15% reduction in electricity use by FY 2025 when compared to FY 2022	Council implements energy efficiency practices and improvements across its activities and operations to achieve a 30% reduction in electricity use by FY 2030 when compared to FY 2022	Council implements energy efficiency practices and improvements across its activities and operations and continues to achieve a 30% reduction in electricity use by FY 2050 compared to FY 2022
E2	The remaining 12% Council's street light network is upgraded to LED technology by FY 2025	Council's street light network continues to be energy efficient, using LED technology, and other methods to promote energy conservation (e.g., dimming) by FY 2030	Council's street light network continues to be energy efficient, using LED technology and other methods to promote energy conservation (e.g., dimming) by FY 2050
E3	Council installs up to 600 kW of additional behind the meter solar on its assets by FY 2025	Council maintains its existing behind the meter solar installations on its assets (up to 1MW) by FY 2030	Council maintains its existing behind the meter solar installations on its assets (up to 1MW) by FY 2050
E4	Council obtains 50% of its electricity consumption for its large sites and street lighting from renewable sources by FY 2025	Council obtains 100% of its electricity consumption for its large sites and street lighting from renewable sources by FY 2030	Council continues to obtain 100% of its electricity consumption for its large sites and street lighting from renewable sources
E5	Council obtains 100% of its electricity consumption for its small sites from renewable sources by FY 2025	Council obtains 100% of its electricity consumption for its small sites from renewable sources by FY 2030	Council continues to obtain 100% of its electricity consumption for its small sites from renewable sources



5.3.3 Fuels

Scope:

This Priority Area covers emissions from fuel use for Council's operations

Emissions profile:

The consumption of fuel for Council's operations is considered as scope 1 and 3 greenhouse gas emission and in FY 2022 contributed to 4% of Council's greenhouse gas emissions from its operations.

What is considered best practice in reducing emissions?

Fuel use for Council operations encompasses the utilization of non-renewable sources such as diesel, petrol, and ethanol, all of which are derived from fossil fuels. The combustion of these fossil fuels results in the release of significant amounts of carbon dioxide, a greenhouse gas, into the atmosphere.

Among the various types of fuel used, diesel consumption within Council's fleet is recognized as the primary contributor to the Council's fuel emissions. Given the environmental impact of burning fossil fuels and the associated greenhouse gas emissions, it becomes imperative for Council to focus on initiatives that reduce fuel consumption and transition towards cleaner and more sustainable alternatives. By addressing the fuel emissions from Council's fleet, the Council can make substantial progress in achieving its emission reduction goals.

In recent years, there has been a significant movement in NSW towards adopting zero emissions vehicles in government fleets. Zero emissions vehicles, such as battery electric vehicles (BEVs) and hydrogen fuel cell electric vehicles (FCEVs), are designed to operate without emitting any greenhouse gases during their use. This transition to zero emissions vehicles aligns with the goal of reducing carbon emissions and promoting sustainable transportation. In addition to fully electric vehicles, the shift towards a zero emissions fleet can also involve the integration of hybrid electric vehicles (HEVs) and plug-in hybrid electric vehicles (PHEVs). These vehicles combine the use of electricity and conventional fuels, aiming to lower fleet emissions. While they are not classified as zero emissions vehicles, they still offer improved fuel efficiency and reduced environmental impact compared to traditional combustion engine vehicles.

The benefits of transitioning to a zero emissions fleet include reduced greenhouse gas emissions, improved air quality, less noise, and lower running costs than conventional vehicles as a result of decreased fuel and servicing costs. In addition, transitioning to a zero emissions fleet would see Council rank highly amongst other leading local governments striving to achieve net zero emissions.

While zero emissions vehicle (ZEV) charging will increase Council electricity demand, emissions from vehicle charging will fall as Council increases the proportion of its electricity from renewable sources. In addition, any hydrogen procured for fuel would need to be produced from renewable energy sources to remain a zero emissions option.

What initiatives is Council currently implementing to reduce emissions?

On 8 December 2022 Dubbo Regional Council adopted a *Zero Emissions Fleet Strategy and Implementation Plan*²³ for its fleet. Council's Strategy and Implementation Plan was developed based on the knowledge that Council's pathway to transition will continue to evolve, in particular that:

²³ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/plans-strategies>



- Light vehicles will transition more quickly than heavy vehicles as few 'fit for purpose' zero emissions heavy vehicles are currently available on the market.
- The speed at which Council's fleet will transition will increase as electric vehicle technology advances, vehicle availability improves, and costs reduce.
- Any strategy or policy developed will need to adapt to these changing conditions. In this light Council has developed a short-term strategy and implementation framework, with revisions to be completed every two years to account for changes in technology and the growing speed of transition expected.

The Strategy and Implementation Plan included four key strategy areas with the following goals:

Light Vehicles:

- Dubbo Regional Council will progressively switch to low or zero emissions vehicles within its light vehicle fleet at the time of renewal, where the total cost of ownership (TCO) is equal to or less than the TCO of the existing traditionally powered vehicle and the vehicle is fit for purpose.

Heavy Vehicles:

- Dubbo Regional Council will progressively switch to low or zero emissions vehicles within its heavy vehicle fleet at the time of renewal, where the total cost of ownership (TCO) is equal to or less than the TCO of the existing traditionally powered vehicle and the vehicle is fit for purpose.

Servicing and Maintenance:

- Dubbo Regional Council plans for and provides vehicle servicing and maintenance aligned to Council's Zero Emission Fleet Strategy goals.

Charging Infrastructure:

- This Strategy area addresses charging infrastructure and software selection, procurement, installation, use, servicing, and maintenance required to support a zero emissions fleet.

Council's Strategy and Implementation Plan allows for flexibility in the choice of zero-emission vehicles with the ability to choose the most appropriate technology for each use case and achieve maximum efficiency within its operations.

In addition to the above Strategy and Implementation Plan, Council's *Energy Strategy and Implementation Plan 2020 to 2025*²⁴ provides a number of additional actions relating to Council's fleet (e.g. annual report examining fleet utilisation and performance) and initiatives to encourage staff to take up sustainable and active transport (e.g. staff car-pooling, walking, cycling)

Key initiatives implemented under the *Zero Emissions Fleet Strategy and Implementation Plan*²⁵ have included:

Light Vehicles (procured):

- In 2021 an electric vehicle was purchased for the Dubbo Visitor Information Centre
- In 2023, two more electric vehicles (Teslas) were purchased for Council staff
- In addition, Fleet & Depot Services have been investigating availability of EVs for staff and what kind of incentive Council might be able to provide.

²⁴ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/plans-strategies>

²⁵ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/plans-strategies>



Charging Infrastructure (installed):

- Macquarie Regional Library, Dubbo (1 x 7kW electric vehicle charger)
- Civic Administration Building, Dubbo (4 x 22kW electric vehicle chargers)
- Council Depot, Hawthorne St Dubbo (1 x 11kW electric vehicle charger)

What further initiatives could be implemented to reduce emissions?

Based on the principles of best practice fleet management, the current initiatives implemented by Council, workshops with Council staff, it is suggested that the following 'key' initiatives could be further implemented by Council to reduce emissions from fuel use within Council's operations.

Council will continue to implement the initiatives as outlined within its adopted *Zero Emissions Fleet Strategy and Implementation Plan*²⁶, but with the transition for light and heavy vehicles to zero emissions vehicles to occur across the following timeframes for Council to meet its commitment to reach zero emissions by 2050.

Light Vehicles:

- Transition 100% of the light fleet to zero-emission vehicles by either hydrogen or fully electric technologies by FY 2035.

Heavy Vehicle:

- Transition 100% of the heavy fleet to zero-emission vehicles by either hydrogen or fully electric technologies by FY 2050.

²⁶ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/plans-strategies>



5.3.3.1 Recommended emission reduction goals

Based on best practice principles for fleet management and considering current and future Council initiatives to reduce emissions from fuel use within Council's operations, the following emission reduction goals are recommended to be incorporated into Council's future zero emissions fleet strategy:

TABLE 7: RECOMMENDED EMISSION REDUCTION GOALS (FUELS)

Goal/timeframe	Short term goal	Medium term goal	Long term goal
F1	Council progressively switches to low or zero emissions vehicles within its light vehicle fleet at the time of renewal, where the total cost of ownership (TCO) is equal to or less than the TCO of the existing traditionally powered vehicle and the vehicle is fit for purpose.	Council continues to progressively switch to low or zero emissions vehicles within its light vehicle fleet and its fleet is considered a zero emissions fleet by FY 2035	Council's light vehicle fleet continues to be zero emissions by FY 2050
F2	Council progressively switches to low or zero emissions vehicles within its heavy vehicle fleet at the time of renewal, where the total cost of ownership (TCO) is equal to or less than the TCO of the existing traditionally powered vehicle and the vehicle is fit for purpose.	Council continues to progressively switch to low or zero emissions vehicles within its heavy vehicle fleet at the time of renewal, where the total cost of ownership (TCO) is equal to or less than the TCO of the existing traditionally powered vehicle and the vehicle is fit for purpose.	Council continues to progressively switch to low or zero emissions vehicles within its heavy vehicle fleet and its fleet is considered a zero emissions fleet by FY 2050.



5.3.4 Wastewater

Scope:

This Priority Area covers emissions from Council's wastewater operations

Emissions profile:

Emissions from Council's wastewater operations is considered a scope 1 (direct) greenhouse gas emission and in FY 2022 contributed to around 1% of Council's greenhouse gas emissions from its operations.

What is considered best practice in reducing emissions from wastewater operations?

There is currently a lack of information on what is considered best practice in reducing emissions from wastewater operations.

What initiatives is Council currently implementing to reduce emissions?

The following table outlines the wastewater treatment methods currently implemented at Council's main sewer treatment sites, including Dubbo STP (Troy Junction), Geurie and Wellington Sewer Treatment Works. At this stage the implemented treatment methods do not focus on the reduction of wastewater emissions.

TABLE 8: WASTEWATER MANAGEMENT EMPLOYED AT COUNCIL'S SEWER TREATMENT WORKS (FY 2022)

Site name	Inflow volume per site	Population served by site	Treatment methods at site
Dubbo STP Troy Junction	3840 ML	40,000 approx.	Inlet works – fine screening, pressing and bagging, grit removal and classification, wet weather flow shedding and flow monitoring. Biological reactor – carbonaceous removal and biological nitrification/denitrification Clarification – two circular clarifiers UV – disinfection Sludge stabilisation – waste accumulated sludge (WAS) is transferred to five sludge lagoons for stabilisation, thickening and storage. Effluent storage – treated effluent is transferred to two large storage ponds prior to pumping to the reuse farms.
Geurie Sewer Treatment Works	41 ML	706 approx.	Inlet works – with screen IDEAT –aeration, flocculent and biological breakdown of solids Catch ponds x 2 Course filtration Sand filtration



Site name	Inflow volume per site	Population served by site	Treatment methods at site
			UV – disinfection (to paddock) Sludge stabilisation – waste accumulation sludge through WAS, transferred to sludge lagoons (2). 1 active at anytime Sludge drying beds.
Wellington Sewer Treatment Works	533 ML	4,204 approx.	Inlet works – step screen IDEAT – aeration, flocculent and biological breakdown of solids Catch pond UV – disinfection (to river) Sludge stabilisation – waste accumulation sludge through WAS, transferred to sludge lagoons (2). 1 active at anytime Sludge accumulation pond and drying beds. Stormwater retention pond.

What further initiatives could be implemented to reduce emissions?

There is currently a lack of information on what is considered best practice in reducing emissions from wastewater operations. It is recommended that Council keep abreast of developments in this area.

5.3.4.1 Recommended emission reduction goals

Based on best practice principles for wastewater management, current and future Council initiatives to reduce emissions from Council's waste water operations, the following emission reduction goals are recommended to be incorporated into Council's future waste water management strategies.

TABLE 9: RECOMMENDED EMISSION REDUCTION GOALS (WASTEWATER)

Goal/timeframe	Short term goal	Medium term goal	Long term goal
WW1	Dubbo Regional Council keep abreast of developments in initiatives to reduce emissions from wastewater	Dubbo Regional Council implements initiatives to reduce emissions from wastewater	Dubbo Regional Council eliminates emissions from wastewater



5.3.5 Gases (Natural gas, bottled gas and refrigerants)

Scope:

This Priority Area covers emissions from gas use for Council's operations

Emissions profile:

Gas use for Council's operations is considered a scope 1 and 3 greenhouse gas emission and in FY 2022 contributed to less than 1% of Council's greenhouse gas emissions.

What is considered best practice in reducing emissions?

The use of gas within Council's operations includes the use of bottled and natural gas, and refrigerant gas. The combustion of bottled and natural gas releases greenhouse gases into the air.

Council uses refrigerant gas, R22, within Council's existing heating and cooling (HVAC) systems. Whilst this gas is contained within the HVAC system it can leak and has the potential to contribute to ozone layer depletion and global warming. Australian law does not require existing HVAC systems using R22 gas to be automatically replaced but the manufacturer of the R22 gas is now banned in Australia and so new HVAC systems do not contain the R22 gas.

The main contributor to Council's gas use is the use of natural gas. Council sites that utilise natural gas are highlighted below, with the top five natural gas users being the Wellington Aquatic and Leisure Centre, Western Plains Cultural Centre, Dubbo Aquatic and Leisure Centre, Dubbo Regional Theatre and Convention Centre and the Dubbo Civic Administration Building.

TABLE 10: NATURAL GAS USE BY DUBBO REGIONAL COUNCIL FACILITIES IN FY 2022

DPI	Site	Consumption (MJ)
52481972761	Wellington Aquatic Leisure Centre	2,232,779
52470576483	Western Plains Cultural Centre, Dubbo	1,150,986
52406559678	Dubbo Aquatic Leisure Centre	1,027,843
52408183413	Theatre & Conv. Centre	949,981
52470392765	Dubbo Civic Admin Building	573,890
52407479438	Civic Centre	89,500
52470232953	Apex Oval Lights Cobra St	79,102
52471219892	72 Wingewarra Street	59,852
52406569199	Aquatic Leisure Canteen	49,461
52407360994	Rainbow Cottage 1 Mitchell St	39,461
52482083386	John Wesley	20,588
52477241669	Rygate Park	9,854

Best practice in reducing greenhouse gas emissions from gas consumption is:

- Natural gas and bottled gas - gas switches to induction cooking and electric heat pump
- Refrigerant gas - switch to HVAC systems which do not utilise banned refrigerant gas R22.

In addition to the environmental benefits of transitioning from gas to electricity, this shift can also help to:

- Mitigate the risks associated with volatile gas prices. By sourcing electricity from renewable sources under a long-term agreement, organizations can eliminate the risk of price spikes; and



- Reduce indoor air pollution, as indoor cooking with gas has been linked to adverse health effects, particularly childhood asthma. Shifting to electric cooking can deliver health benefits and improve indoor air quality, further reinforcing the case for transitioning away from gas and towards electrified heating.

What initiatives is Council currently implementing to reduce emissions?

Natural and bottled gas

Both the Wellington Aquatic and Leisure Centre and Dubbo Aquatic and Leisure Centre currently utilise natural gas boilers to supply pool heating. Aside from the pools, several Council buildings are supplied with gas for heating, hot water and minor uses such as cooking.

In April 2023 Council adopted a *Sustainable Buildings Policy and Standards*²⁷ for its buildings and facilities which will require new builds and renovations over \$50,000 to comply as follows:

Hot Water Systems

- Hot water supply systems sized appropriately for the building need, and best cost and carbon savings where possible.
- All hot water systems, including pool heating, shall be fully electric or solar (if feasible). No new gas equipment is to be installed at Council facilities. In the case of an upgrade or extension, existing gas equipment should be replaced with electric alternatives.
- In consideration of hot water system selection:
 - Preference for electric hot water heat pumps
 - Heat pump technology to have a Coefficient of Performance (CoP) within 15% of the most efficient capacity unit available
 - Preference for hot water systems that are Smart Grid ready for connection to Solar PV and energy management systems
- No hot water is to be provided in bathrooms to wash hands unless Council deems an exception necessary.

Appliances

- All appliances such as dishwashers, fridges, stoves and ovens, televisions etc. shall:
 - Be electric; and
 - Have an energy rating within 1 star of the highest rating available by product type; and
 - Have the energy rating and, if relevant, WELS sticker clearly displayed on the product.

Refrigerants

- Council uses refrigerant gas, R22, within Council's existing heating and cooling (HVAC) systems.
- Council's recently adopted *Sustainable Buildings Policy and Standards* for its buildings and facilities will require new builds and renovations over \$50,000 to comply as follows:
 - HVAC systems are installed or replaced with fully electric systems. No new gas equipment is to be installed at Council facilities.
 - All refrigerants have an Ozone Depletion Potential (ODP) of zero and a low global warming potential (GWP) and that any refrigeration equipment with a cooling capacity above 50kW shall be fitted with an automated leak detection system.
 - In the case of an upgrade or extension, Council will be required to review refrigerants used in the building's HVAC system. If R22 refrigerant gas is still in use, retrofit with a suitable

²⁷ Sourced from Dubbo Regional Council Sustainable Buildings Policy and Standards (Management Policy)



alternative, low global warming potential (GWP), zero ozone depletion potential (ODP) refrigerant if cost effective, or plan for future replacement of the equipment.

What further initiatives could be implemented to reduce emissions?

Based on the principles of best practice gas management, the current initiatives implemented by Council, workshops with Council staff, it is suggested that the following 'key' initiatives could be further implemented by Council to reduce emissions from gas use within Council's operations.

Natural gas and bottled gas

- Implement the Council *Sustainable Building Policy and Standards*²⁸ for new builds and renovations which requires the transition away from gas to electric appliances (e.g., induction cooking, electric BBQs) and heating (e.g., heat pumps, solar).
- Accelerate the transition away from gas to electric appliances and heating through conducting feasibility studies for facility upgrades of gas appliances and heating.
- Council to investigate the option to no longer provide natural gas services to future residential subdivisions of Council owned Keswick Estate in order to encourage the local community to transition from gas to electric appliances and heating.

Refrigerants

- Implement the Council *Sustainable Building Policy and Standards* for new builds and renovations which requires the transition away from HVAC systems using banned R22 gases.
- Accelerate the transition to new HVAC systems through conducting feasibility studies for facility upgrades of old HVAC systems.

²⁸ Sourced from Dubbo Regional Council Sustainable Buildings Policy and Standards (Management Policy)



5.3.5.1 Recommended Emission Reduction Goals

Based on best practice principles for gas management and considering current and future Council initiatives to reduce emissions from gas use within Council's operations, the following emission reduction goals are recommended to be incorporated into Council's existing and future energy strategies:

TABLE 11: RECOMMENDED EMISSION REDUCTION GOALS (NATURAL GAS, BOTTLED GAS, AND REFRIGERANTS)

Goal/timeframe	Short term goal	Medium term goal	Long term goal
G1	Implement the Council Sustainable Building Policy and Standards for new builds and renovations which requires the transition away from gas to electric appliances (e.g., induction cooking, electric BBQs) and heating (e.g., heat pumps, solar) by FY 2023	Council's facilities do not use gas appliances or heating by FY 2040	Council's facilities continue not to use gas appliances or heating by FY 2050
G2	Accelerate the transition away from gas to electric appliances and heating through conducting feasibility studies for facility upgrades of gas appliances and heating by FY 2025.	Complete upgrades to Council's facilities to remove the use of gas appliances and heating FY 2040	N/A
G3	Implement the Council Sustainable Building Policy and Standards for new builds and renovations which requires the transition away from HVAC systems using banned R22 gases by FY 2023	Council's facilities do not use HVAC systems which contain the R22 gas by FY 2030	Council's facilities continue not to use HVAC systems which contain the R22 gas by FY 2050
G4	Accelerate the transition to new HVAC systems through conducting feasibility studies for facility upgrades of old HVAC systems by FY 2025	Complete upgrades to Council's facilities to remove the use of R22 gas in Council HVAC systems by FY 2030	N/A
G5	Council to investigate the option to no longer provide natural gas services to future residential subdivisions of Council owned Keswick Estate by FY 2024 in order to encourage the local community to transition from gas to electric appliances and heating.	If feasible, from FY 2024 Council to no longer provide natural gas services to future residential subdivisions of Council owned Keswick Estate in order to encourage the local community to transition from gas to electric appliances and heating.	Council continues not to provide natural gas services to future residential subdivisions of Council owned Keswick Estate in order to encourage the local community to transition from gas to electric appliances and heating.



5.3.6 Supply Chain

Scope:

This Priority Area covers greenhouse gas emissions created during the purchase of goods and services for Council operations.

Emissions profile:

The purchase of goods and services for Council operations is considered a scope 3 (indirect) greenhouse gas emission and in FY 2022 contributed to approximately 18% of Council's greenhouse gas emissions. The scope 3 emissions data have been estimated based on Council's annual operational and capital expenditure and will need to be better collated, monitored and quantified in future carbon footprint inventories.

The data indicates that there are six (6) key areas which contribute to Council's emissions from the procurement of goods and services. These areas are outlined in the table below and are listed in the order in which they contribute to Council's total greenhouse gas emissions. Services for the construction of 'roads and bridges' is Council's leading source of scope 3 emissions, followed by 'Water Supply, Sewerage and Drainage Services'.

TABLE 12: LEADING SOURCE OF COUNCIL'S SUPPLY CHAIN EMISSIONS (SCOPE 3).

Leading source of scope 3 emissions	Emission (t CO ₂ -e)	% of Council's FY 2022 emissions
1. Roads and bridges	6,486	6%
2. Water supply; sewerage and drainage services	4,030	4%
3. Non-residential building construction	1,514	1%
4. Technical services	1,453	1%
5. Industrial machinery and equipment	1,198	1%
6. Non-building construction	1,128	1%

What is considered best practice in reducing emissions?

The supply of goods and services for Council operations can come from many different areas, combined they could increase Council's greenhouse gas emissions substantially, up to over 18% in FY 2022.

In managing emissions from procurement of goods and services councils can:

1. Ensure Council adequately collects sufficient data on scope 3 emissions in order to assist Council in understanding where to target its supply chain emission reduction efforts.
2. Ensure Council's Procurement Policy sets out Council's intent to procure products and services with consideration of Council's emissions reduction and broader sustainability goals.
3. Develop further internal sustainable procurement guidance in how Council staff can embed sustainable procurement practices within their organisation, drawing on an appropriate framework, such as the *NSW Sustainable Procurement Guide for Local Government*.²⁹ As a priority guidance should first be developed for those areas which contribute the most to Council's supply chain emissions.

²⁹ Sourced from <https://lgsw.org.au/common/Uploaded%20files/PDF/esstam-sustainable-procurement-guide-30.05.17.pdf>



4. Advocate in partnership with neighbouring councils for key suppliers to be more sustainable and to reduce their supply chain emissions.
5. Provide incentives for suppliers to be more sustainable and to reduce their supply chain emissions
6. Train Council staff with procurement responsibilities on sustainability considerations within the procurement process.

What initiatives is Council currently implementing to reduce emissions?

Council currently implements several initiatives to encourage suppliers to be more sustainable and to reduce emissions within the supply chain.

Council's Procurement Policy

Council's Procurement Policy³⁰ clearly states Council's intent to promote sustainable procurement within its supply chain and operations. Section 4 (Page 7) of the Policy states:

Council is committed to reducing its environment impacts and operating in a socially, financially and environmentally responsible manner.

Council will encourage the design and use of products and services which have minimal impact on the environment and human health. This includes, but is not limited to:

- *Recycling*
- *Waste Management*
- ***Emissions Management***
- *Water Conservation*
- *Energy Management, and*
- *Green Building Design*

Council shall encourage suppliers to adopt good environmental practices and requires suppliers, where relevant, to have an Environmental Management System.

Council will actively promote green procurement throughout its supply chain and where possible consider selection which has minimum environmental impact. The Council aims to achieve this by:

- *Taking into account the need to **minimise emissions** and reducing the negative impacts of transportation when purchasing goods and services;*
- *Taking steps to **minimise carbon dioxide and other greenhouse gas emissions** through the detailed consideration of products and services procured;*
- *Considering the environmental performance of all suppliers and contractors and encouraging them to conduct their operations in an environmentally sensitive manner;*
- *Selecting products/services that have a minimal effect on the depletion of natural resources and biodiversity;*
- *Giving a preference to fair-trade, or equivalent and ethically sourced and produced goods and services;*
- *Ensuring all relevant procurement contracts and tenders contain **sustainability specifications** as appropriate to the product and service being procured.*
- ***Training Council staff*** with procurement responsibilities on ***sustainability considerations*** within the procurement process.

³⁰ Sourced from <https://www.dubbo.nsw.gov.au/About-Council/Meetings-and-Documents/policies>



- *Reducing and eliminating as far as is practicable the use and consumption of single use and soft plastics across its corporate operations including festivals, events and applicable activities on any land or building owned and managed by Council.*

Internal Sustainable Procurement Guidance

To provide further guidance for Council staff, and to help drive the integration of sustainable procurement requirements within Council's quotation and tender specifications, Council in April 2023 adopted a Sustainable Buildings Policy and Standards³¹ for its buildings and facilities. The Policy and Standards will drive the purchase and use of more sustainable and emission friendly materials, equipment, and appliances in Council's newly built or renovated buildings and facilities.

Training

Council staff with procurement responsibilities are currently able to access Local Government Procurement's training programs on sustainable procurement when and as required.

What further initiatives could be implemented to reduce emissions?

To further reduce greenhouse gas emissions created during the purchase of goods and services for Council operations it is recommended that the following initiatives could be completed:

- Develop a Council greenhouse gas Data Monitoring Plan to ensure that Council adequately collects sufficient data on scope 3 emissions to assist Council in understanding where to target its supply chain emission reduction efforts.
- Develop further internal sustainable procurement guidance in how Council staff can embed sustainable procurement practices within their organisation. Develop guidance on the incorporation of sustainable procurement requirements within:
 - The design and construction of Council infrastructure, such as roads and bridges or water and sewerage assets. Specifications at a minimum should encourage the use of low embodied emissions materials and the use of energy and water efficient equipment; and
 - Events run by Council or on Council land.
- Work in partnership with neighbouring councils, particularly their infrastructure and events departments, to advocate for suppliers to be more sustainable and to reduce their supply chain emissions.
- Investigate and implement where resourced the provision of incentives for suppliers to be more sustainable and to reduce their supply chain emissions. Focus incentives on key areas for supply chain emission reduction such as infrastructure, security services and events.
- Investigate and implement where resourced additional training programs focused on driving the incorporation of sustainable procurement practices within Council operations. Target training programs towards the key areas for supply chain emission reduction such as infrastructure and events.

³¹ Sourced from Dubbo Regional Council Sustainable Buildings Policy and Standards (Management Policy)



5.3.6.1 Recommended emission reduction goals

Based on best practice principles for sustainable procurement of goods and services for Council operations, as well as considering current and future initiatives to reduce supply chain emissions, it is recommended to implement the following emission reduction goals into Council's relevant strategies. The overarching goal of this emission reduction section is to progressively achieve a 90% reduction in supply/value chain emissions by FY 2050. In cases where a relevant strategy does not exist, these recommended goals should be directly integrated into Council's Delivery and Operational Plans.

Table 13: Recommended emission reduction goals (Supply/value chain)

Goal/timeframe	Short term goal	Medium term goal	Long term goal
SC1	Develop and implement a Council Greenhouse Gas Data Monitoring Plan by FY 2024	Council collects adequate operational greenhouse gas emissions (scope 1,2 & 3) data in accordance with its Data Monitoring Plan by FY 2030	Council continues to collect adequate operational greenhouse gas emissions (scope 1,2 & 3) data in accordance with its Data Monitoring Plan by FY 2050
SC2	Implement the Sustainable Building Policy and Standards for new Council builds and renovations where resources and budget allow by FY 2023	All new or renovated Council buildings and facilities are compliant with the Sustainable Buildings Policy and Standards by FY 2030.	Council's new or renovated buildings and facilities continue to be compliant with the Sustainable Buildings Policy and Standards by FY 2050.
SC3	Develop and implement a Sustainable Infrastructure Policy and Standards for new or upgraded Council infrastructure by FY 2025	All new or upgraded Council infrastructure is compliant with the Sustainable Infrastructure Policy and Standards by FY 2030.	Council's new or upgraded infrastructure continues to be compliant with the Sustainable Infrastructure Policy and Standards by FY 2050.
SC4	Develop and implement a Sustainable Events Policy and Guidelines for Council events, or events run on Council land, by FY 2024	All new Council events, or events run on Council land, are compliant with the Sustainable Events Policy and Guidelines by FY 2030.	Council's new and existing events, or events run on Council land, continue to be compliant with the Sustainable Events Policy and Guidelines by FY 2050.
SC5	Develop partnerships with neighbouring councils and other relevant stakeholders (e.g. Transport for NSW) in order to advocate for suppliers to be more sustainable by FY 2025. Focus on partnerships within key areas for emission reduction such as infrastructure and events.	Council, in partnership with neighbouring councils and other relevant stakeholders, continues to advocate for suppliers to be more sustainable by FY 2030.	Council, in partnership with neighbouring councils and other relevant stakeholders, continues to advocate for suppliers to be more sustainable by FY 2050
SC6	Investigate and implement where resourced the provision of incentives for suppliers to be more sustainable and to reduce their supply chain emissions by FY 2025. Focus incentives on key areas for Council	Continue to implement incentives for suppliers to be more sustainable and to reduce their supply chain emissions by FY 2030. Focus incentives on key areas for Council supply chain emission reduction such as infrastructure and events.	Continue to implement incentives for suppliers to be more sustainable and to reduce their supply chain emissions by FY 2050. Focus incentives on key areas for Council supply chain emission reduction such as infrastructure and events.



Goal/timeframe	Short term goal	Medium term goal	Long term goal
	supply chain emission reduction such as infrastructure and events.		
SC7	<p>Investigate and implement where resourced additional training programs focused on driving the incorporation of sustainable procurement practices within Council operations by FY 2025.</p> <p>In particular, target additional training programs towards the key areas for Council supply chain emission reduction such as infrastructure and events.</p>	<p>Continue to implement where resourced additional training programs focused on driving the incorporation of sustainable procurement practices within Council operations by FY 2030.</p> <p>In particular, target additional training programs towards the key areas for Council supply chain emission reduction such as infrastructure and events.</p>	<p>Continue to implement where resourced additional training programs focused on driving the incorporation of sustainable procurement practices within Council operations by FY 2050.</p> <p>In particular, target additional training programs towards the key areas for Council supply chain emission reduction such as infrastructure and events.</p>

DRAFT

5.4 Council's Net Zero Targets

5.4.1 Modelling the impact of Council's Priority Area Emission Reduction Goals

The impact of Council's recommended priority area short, medium and long term goals on Council's journey towards net zero greenhouse gas emissions has been modelled below. The model is based BAU assumptions for Council operations and scope 1,2 and 3 emissions.

The model indicates that if Council was to implement the recommended priority area short, medium and long term goals for emission reduction it would succeed in meeting the State Government's targets for a 70% emission reduction by 2035. In fact, the implemented goals would see Council meet a 70% reduction in its emissions by FY 2030 at the earliest. This is also well beyond global best practice for emission reduction which recommends emissions should be reduced by 50% by FY 2030.

In relation to achieving the State Government's target to reach zero emissions by FY 2050 Council would need to implement the recommended emission reduction goals, and only as a last resort look to offset any remaining greenhouse gas emissions from its operations. Council could offset its remaining emission in FY 2050 by either retiring the generated ACCUs from methane flaring on its landfill sites or purchasing and retiring carbon offsets from other projects.



Emission Reduction Pathway: Dubbo Regional Council

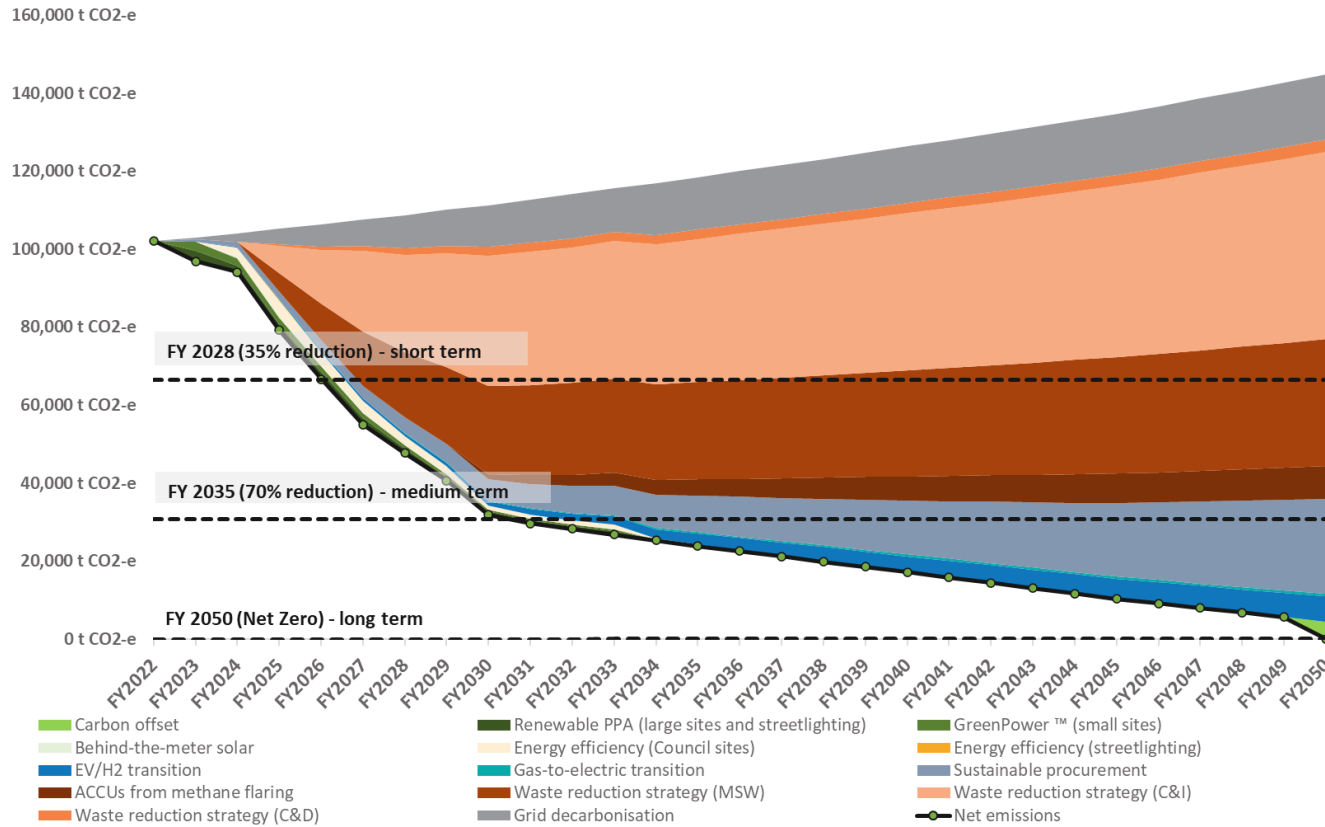


FIGURE 13: MODELLED IMPACT OF COUNCIL'S PRIORITY AREA EMISSION REDUCTION GOALS (OR PATHWAYS)



5.4.2 Council's net zero targets

Based on the modelled impact of Council's recommended priority area emissions reduction goals, and following extensive consultation with key staff, councillors and the community, Dubbo Regional Council is committed to achieving the following net zero targets for its operations. It should be noted that:

- Achieving the net zero targets for Council's operations will be highly dependent on the ability for Council to achieve its recommended short, medium and long term emission reduction goals for landfill waste. Landfill waste is the leading source of Council's greenhouse gas emissions; and
- The timing, scope, and impact of any of the modelled recommended short, medium and long term emission reduction goals may change. It is important to undertake the recommended short term emission reduction goals as soon as possible to reduce greenhouse gas emissions and to maximise cumulative benefits over time.

Council Net Zero Targets:

Short – A 35% reduction in emissions from Council operations by FY 2028 (compared to FY 2022)

Short and medium term emission reduction goals to upgrade street lighting to LED technology, conduct energy efficiency programs, and install additional solar PV systems, will help lower demand for grid electricity. In addition, Council's existing commitment to purchase 100% of Council's small site grid electricity from renewables, and 50% of its large site and street lighting grid electricity from renewables by FY 2025, will also assist in achieving this Target. The Target is however reliant on Council's ability to implement its short and medium term emission reduction goals for landfill waste and supply chain.

Medium – A 70% reduction in emissions from Council operations by FY 2035 (Aspirational)

It is recommended that Council commits to aligning with the NSW State Government's target of achieving a 70% reduction in emissions compared to FY 2022 by FY 2035. Achieving this level of emissions reduction for Council's operations will be highly dependent on the ability for Council to achieve its recommended short, medium and long term emission reduction goals for landfill waste and supply chain. Landfill waste is the leading source of Council's greenhouse gas emissions. Achieving this Target would be ambitious and will require further assessment, funding, and collaboration with regional Netwaste councils. It is suggested that this target to achieve abatement of this amount be aspired to, as a firm commitment will require greater certainty.

Long – 'Net Zero' by 2050 or at least 90% reduction in emissions from Council operations with the residual emissions counterbalanced by carbon removal offsets

It is recommended that Council aligns with the NSW State Government's target of achieving net zero emissions by FY 2050. Council should strive to reach this target earlier whenever feasible and cost-effective abatement measures are available. The goal of net zero emissions entails eliminating as many emissions as possible through a range of abatement measures, aiming for a reduction of at least 90%. In the event that residual emissions remain, Council may consider purchasing carbon offsets as a last resort to achieve net zero emissions by FY 2050.



6 Implementation, Monitoring and Review

6.1 Implementation

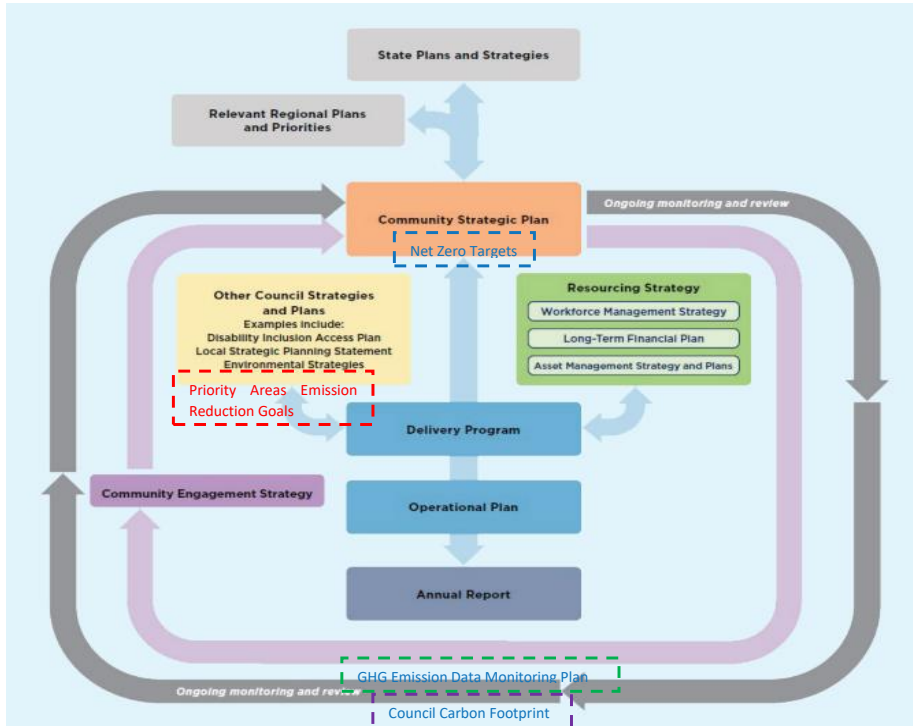


FIGURE 14: INTEGRATION OF NET ZERO FRAMEWORK INTO COUNCIL’S IP&R PROCESSES

Dubbo Regional Council’s Net Zero Framework will be integrated into Council’s Integrated Planning and Reporting processes as follows:

Net Zero Targets

- Council’s Net Zero Target for its operations will be integrated into Council’s Community Strategic Plan (CSP) as a ‘Key Performance Indicator’ for Council’s CSP objective (6.1) to reach net zero.
- The Targets to be integrated into Council’s Community Strategic Plan will change over time to represent Council’s short medium and long term net zero commitments.
- The Targets will be reported on every four years, in the year of a Council election, as per local government Integrated Planning and Reporting requirements for environmental issues.



Priority Area Emission Reduction Goals

- Council's Priority Area Emission Reduction Goals, will be integrated into Council's relevant strategic documents. This will occur upon the review of the strategic document should the strategy already be adopted by Council.
- The Priority Area Emissions Reduction Goals to be integrated into Council's relevant strategic documents will change over time to support Council's short, medium and long term Net Zero Target commitments.
- Council's adopted strategic document actions, including those identified to meet the Priority Area Emission Reduction Goals, are required to be integrated into Council's four year Delivery and one year Operational Plans.
- Reporting on progress against the actions incorporated into Council's Delivery and Operational Plans will occur annually, as per Council's IP& R reporting requirements for Delivery and Operational Plans.

Greenhouse Gas Emission Data Monitoring Plan

- Council will annually collate greenhouse gas emission data for its operations as per the Greenhouse Gas Emission Data Monitoring Plan and use this data to report against the Net Zero Targets.

Council Carbon Footprint

- Council will develop a complete greenhouse gas emission profile, or carbon footprint, for its operations every four years, in the year of a Council election, as per local government Integrated Planning and Reporting requirements for environmental issues.

6.2 Monitoring

Council will annually collate greenhouse gas emission data for its operations as per the below Greenhouse Gas Emission Data Monitoring Plan and use this data to report against the Net Zero Targets.

TABLE 14: RECOMMENDED COUNCIL DATA MONITORING PLAN

Emission source	Current Data Collection	Proposed Additional Data Collection
Fuel (diesel, ethanol, petrol)	Council currently provides fuel data via an Excel spreadsheet sorted by fuel type.	None
Refrigerant Gas	There are incomplete refrigerant gas records for Council's HVAC assets. Council's inventory was missing two sites - Dubbo Showground and Dubbo RFS. Refrigerant gas annual leakage rate (3.5%) used in the emissions calculations is based on the domestic air-conditioning split value from NGA 2022	Council should consider creating an annual inventory of refrigerant type and corresponding charge in kg for all its major refrigeration and A/C systems through Council's maintenance contractors
Natural Gas	Natural gas data is collected from gas bills and entered into Council's energy management software to record natural gas consumption.	Council's natural gas data should be automatically entered into Council's energy management software.



Emission Reduction Pathway: Dubbo Regional Council

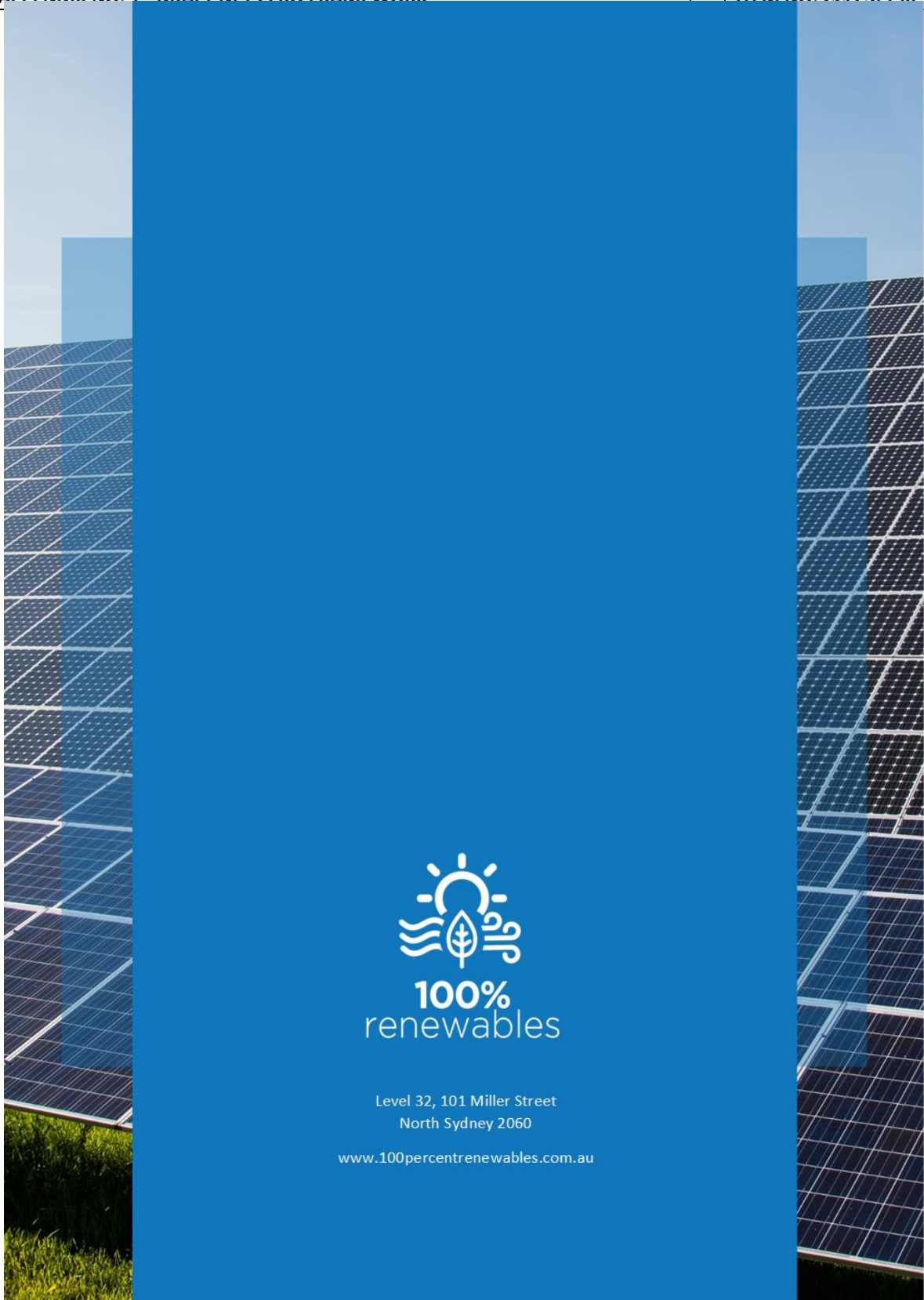
Emission source	Current Data Collection	Proposed Additional Data Collection
Bottled Gas	Bottled gas data is collected on an annual basis from Council’s supplier.	None
Electricity	Council uses interval meters and energy management software to measure electricity use at its small and large sites, and street lighting network.	None
Wastewater	Wastewater emissions is calculated using the National Greenhouse and Energy Reporting (NGER) calculator for wastewater based on methane correction factor for its treatment and volume inflows and/or population served.	None
Waste to landfill	Council estimates waste emissions using the NGER solid waste calculator	Ensure Council collects adequate data on all waste materials (domestic and other waste) at its Whylandra Waste and Recycling Centre. This includes materials that are directly delivered to the Centre but are diverted from landfill, such as Timber & Green waste, Masonry & Bricks, and Clean Fill.
Methane flaring	Flared landfill gas data from monthly recorded landfill gas capture.	Review eligibility of the claim for emissions reduction through retirement of ACCUs in relation to the new net zero guidelines from ISO.
Roads and bridges	Council currently estimates emissions based on operational and capital expenditure	Council should consider disaggregating professional engineering services and materials such as bitumen and concrete products, as well as addressing other relevant sources of emissions. This approach can lead to a more precise carbon footprint inventory by providing a more detailed analysis of the emissions associated with each component.
Water supply; sewerage and drainage services	Council currently estimates emissions based on operational and capital expenditure	Council should consider disaggregating this data to lead to a more precise carbon footprint inventory by providing a more detailed analysis of the emissions associated with each component.
Non-residential building construction	Council currently estimates emissions based on operational and capital expenditure	Council should consider disaggregating professional engineering services and materials such as concrete products, as well as addressing other relevant sources of emissions. This approach can lead to a more precise carbon footprint inventory by providing a more detailed analysis of the emissions associated with each component.
Technical services	Council currently estimates emissions based on operational and capital expenditure	Council should consider disaggregating this data to lead to a more precise carbon footprint inventory by providing a more detailed analysis of the emissions associated with each component.



Emission source	Current Data Collection	Proposed Additional Data Collection
Industrial machinery and equipment	Council currently estimates emissions based on operational and capital expenditure	Council should consider disaggregating this data to lead to a more precise carbon footprint inventory by providing a more detailed analysis of the emissions associated with each component.
Non-building construction	Council currently estimates emissions based on operational and capital expenditure	Council should consider disaggregating professional engineering services and materials such as concrete products, as well as addressing other relevant sources of emissions. This approach can lead to a more precise carbon footprint inventory by providing a more detailed analysis of the emissions associated with each component.
Employee commute	Council currently estimates emissions based on capital expenditure	Council should consider conducting an employee commute survey to gather more comprehensive data on employee commuting habits.
Working from home (WFH)	Council currently estimates emissions based on capital expenditure	Council should track the actual full time equivalent (FTE) data for staff working from home and consider implementing a monitoring system to accurately identify remote workers
Air travel	Council currently estimates emissions based on capital expenditure	Council should collect detailed data on air travel, including flight class, flight distance (including layovers), and number of passengers per flight.
Accommodation	Council currently estimates emissions based on capital expenditure	Council should record the following data for hotel accommodations: <ul style="list-style-type: none"> the number of nights spent per hotel star rating for domestic stays, and the number of nights spent per country for international stays

6.3 Review

It is recommended that an operational review of the Net Zero Framework be completed by December 2025 to review Council’s progress in reaching its short term net zero target, and whether the net zero targets and emission reduction goals remain relevant.



CCL23/191 Draft Joira Road Planning Agreement - Results of Public Exhibition

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Attachment 2: Submissions 185

PLANNING AGREEMENT for

Dedication of Land for Road Widening

Transfer of land for public recreation and sporting Infrastructure

Land to which the Agreement applies:

Lot 10 DP1142232

Dubbo Regional Council (Council)

**The Trustees of the Roman Catholic Church for the
Diocese of Bathurst** (Developer)





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APPENDIX 21



Parties to this Agreement

Developer	Name	The Trustees of the Roman Catholic Church for the Diocese of Bathurst
	Address	118 Keppel Street Bathurst NSW 2795
	ABN	23 501 787 578
	Contact name	Patrick Cooper
	Contact email	dfa@bathurst.catholic.org.au
	Phone	02 6334 6402
Council	Name	Dubbo Regional Council
	Address	PO Box 81 Dubbo NSW 2830
	ABN	53 539 070 928
	Contact email	infrastructurecontributions@dubbo.nsw.gov.au

Background

The Developer owns Lot 10 DP1142232 which is located in the Dubbo Local Government Area. The Developer has rights in respect of the Land and proposes to carry out Development on the Land in accordance with Development Consent D2021-820.

The Developer has offered to enter into this Agreement in relation to the dedication of **1,196m²** of the land for the purpose of road widening. Applicable credits under Section 7.11 Contributions for the dedication of the land is proposed in accordance with the terms of this Agreement.

Lot 11 DP1142232 was transferred to Council in 2004 and is now owned by Council. The Developer is seeking partial credit for the transfer of this land as Development Contributions for the subdivision development on Lot 10 DP1142232 pursuant to Development Consent D2021-820.



Operative provisions

Part 1 - Preliminary

1 Definitions and Interpretation

- 1.1 In this Agreement the following definitions apply:
- 1.1.1 **Act** means the Environmental Planning and Assessment Act 1979 (NSW).
 - 1.1.2 **Auditor** means an appropriately qualified auditor appointed by the Council.
 - 1.1.3 **Contributions Table** means the table in Schedule 1.
 - 1.1.4 **Contribution Year** means every 12 month period from 1 July each year.
 - 1.1.5 **Construction Commencement Date** is the same definition as provided in the Development Consent.
 - 1.1.6 **Costs** means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.
 - 1.1.7 **Agreement** means this agreement and includes any schedules, annexures and appendices to this Agreement.
 - 1.1.8 **Development Application** has the same meaning as in the Act.
 - 1.1.9 **Development Consent** has the same meaning as in the Act.
 - 1.1.10 **Dispute** means a dispute or difference between the Parties under or in relation to this Agreement.
 - 1.1.11 **EP&A Act 1979** means the Environmental Planning and Assessment Act 1979 (NSW) as amended from time to time.
 - 1.1.12 **Event of Default** means a breach of this Agreement.
 - 1.1.13 **Index** means the Consumer Price Index – Sydney All Groups
 - 1.1.14 **Land** means Lot 10 DP1142232.
 - 1.1.15 **Monetary Contribution** means the monetary contribution required to be made under this Agreement.
 - 1.1.16 **Party** means a party to this Agreement, including their successors and assigns.
 - 1.1.17 **Rectify** means rectify, remedy or correct.
 - 1.1.18 **Regulation** means the Environmental Planning and Assessment Regulation 2021.
 - 1.1.19 **Transfer Land** means 1,196m² of the Land to be dedicated as public road in accordance with the Development Consent.



1.1.20 **Value** means the \$ amount agreed between the Parties as the value of a Monetary Contribution made under this Agreement, as shown in the Contributions Table or as otherwise agreed between the Parties.

1.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- 1.2.1 **Headings** are inserted for convenience only and do not affect the interpretation of this Agreement.
- 1.2.2 A reference in this Agreement to a **business day** means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- 1.2.5 A reference in this Agreement to a \$ value relating to a Monetary Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- 1.2.8 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.9 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.10 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.11 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.12 A reference to this Agreement includes the agreement recorded in this Agreement.



- 1.2.13 A reference to a Party to this Agreement includes a reference to the employees, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.14 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.15 Any schedules, appendices and attachments form part of this Agreement.
- 1.2.16 Notes appearing in this Agreement are operative provisions of this Agreement.

2 Planning agreement under the Act

- 2.1 This Agreement is a planning agreement governed by Subdivision 2 of Part 7 of the Act.

3 Application of this Agreement

- 3.1 This Agreement applies to the Land and the Development.
- 3.2 The parties acknowledge and agree that the Value of the Transfer Land as at the date of this Agreement is \$55,000 (excluding GST).
- 3.3 The parties acknowledge that the value of the Transfer Land will be offset against any Development Contribution to be imposed by Council in accordance with the applicable Contributions Plans when determining the Development Application.

4 Date upon which this Agreement takes effect

- 4.1 This Agreement takes effect when signed by both Parties. The date on which it takes effect is specified at the end of this Agreement.

5 Warranties

- 5.1 The Parties warrant to each other that they:
 - 5.1.1 Have full capacity to enter into this Agreement, and
 - 5.1.2 Are able to fully comply with their obligations under this Agreement.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.



7 Surrender of right of appeal

- 7.1 The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Agreement, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this Agreement.

Part 2 - Payment of the Monetary Contributions

8 The Monetary Contribution under this Agreement

- 8.1 The Developer is required to make the Monetary Contribution described in the monetary contributions Table in Schedule 1 in accordance with the provisions of this Agreement.

9 Application of the Monetary Contribution

- 9.1 The Council will apply each Monetary Contribution towards the public purpose for which it is made.
- 9.2 Council will under no circumstances refund any monetary contribution made under this Agreement.

10 Application of Section 7.11, 7.12 and 7.24 of the Act to the Development

- 10.1 Section 7.11, 7.12 and 7.24 of the Act are not excluded to the extent that future development contributions may be payable.

11 Indexation of Monetary Contribution

- 11.1 All monetary contributions are to be indexed from the date of this Agreement to the date of payment in accordance with the following formula:

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

Where:

- MC** is the Monetary Contribution for the following Contribution year;
- A** is the Monetary Contribution payable during the Contribution Year just ended;
- B** is the most recent Index number (last published) before the end of the Contribution Year just ended
- C** is the most recent Index number (last published) before the commencement of the of the Contribution Year just ended



12 How money is paid

- 12.1 A monetary contribution is made for the purposes of this Agreement when the Council receives the full amount of the monetary contribution payable under this Agreement in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council. Council will not accept any other forms of payment.
- 12.2 Despite clause 12.1, if Council agrees, in its absolute discretion, to accept payment of a monetary contribution by EFTPOS using a credit card, the Developer will be required to pay a surcharge in accordance with Council's adopted schedule of fees and charges.

Part 3 - Dedication of Land

13 Land Dedication Provisions

- 13.1 The land to be dedicated is part **Lot 10 DP1142232** as identified in Schedule 2 of this Agreement.

Part 4 - Carrying out of Work

14 Works Provisions

- 14.1 Not applicable under this Agreement.

Part 5 - Review and Monitoring

15 Review of Agreement

- 15.1 If either Party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement the Party may request a review of the whole or any part of this Agreement.
- 15.2 For the purposes of clause 15.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other Authority to restrict or prohibit any aspect of the Development.
- 15.3 If a review is requested in accordance with clause 15.1, the Parties are to use all reasonable endeavours, in good faith, to agree on and implement appropriate amendments to this Agreement.



- 15.4 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.
- 15.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 15.1 (but not 15.4) is not a Dispute for the purposes of this Agreement and is not a breach of this Agreement.
- 15.6 If the Parties agree to amend this Agreement under this clause 15, any such amendment must be in writing and signed by the Parties, and exhibited in accordance with the Act and Regulation.

16 Monitoring and Reporting

- 16.1 The Developer acknowledges that the Council will continuously monitor compliance with the Developer's obligations under this Agreement.

17 Notation on Planning Certificate

- 17.1 Not applicable under this Agreement.

Part 6 - Dispute Resolution

18 Notice of Dispute

- 18.1 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**).
- 18.2 If a notice is given, the Parties are to meet within 10 business days of the notice in an attempt to resolve the Dispute.
- 18.3 If the Dispute is not resolved within a further 20 business days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 18.4 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 18.5 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 18.6 The Parties are to share equally the costs of the President, the expert, and the expert determination.
- 18.7 Nothing in the clause will prevent either party from seeking injunctive or urgent declaratory relief.



19 Mediation

- 19.1 This clause applies to any Dispute arising in connection with this Agreement other than a Dispute to which clause 18 applies.
- 19.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 19.3 If a notice is given under clause 19.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 19.4 If the Dispute is not resolved within a further 20 business days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 19.5 If the Dispute is not resolved by mediation within a further 20 business days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 19.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 19.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 7 - Indemnities & Insurance

20 Risk

- 20.1 The Developer performs this Agreement at its own risk and its own cost.

21 Release

- 21.1 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.

22 Indemnity

- 22.1 The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.



23 Insurance

- 23.1 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Agreement up until the Work is taken to have been completed in accordance with this Agreement:
- 23.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
 - 23.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
 - 23.1.3 workers compensation insurance as required by law, and
 - 23.1.4 any other insurance required by law.
- 23.2 If the Developer fails to comply with clause 23.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
- 23.2.1 by calling upon the Security provided by the Developer to the Council under this Agreement, or
 - 23.2.2 recovery as a debt due in a court of competent jurisdiction.

The Developer is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 23.1.

Part 8 - Other Provisions

24 Confidentiality

- 24.1 This agreement is a public document and its terms are not confidential.
- 24.2 The parties acknowledge that:
- 24.2.1 Confidential Information may have been supplied to some or all of the Parties in negotiations leading up to the making of this agreement; and
 - 24.2.2 the Parties may disclose to each other further Confidential Information in connection with the subject matter of this agreement.



- 24.3 Subject to clauses 24.4 and 24.5, each Party agrees:
- 24.3.1 not to disclose any Confidential Information received before or after the making of this agreement to any person without the prior written consent of the Party who supplied the Confidential Information; or
 - 24.3.2 to take all reasonable steps to ensure all Confidential Information received before or after the making of this agreement is kept confidential and protected against unauthorised use and access.
- 24.4 A Party may disclose Confidential Information in the following circumstances:
- 24.4.1 in order to comply with the law, or the requirements of any Authority; or
 - 24.4.2 to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the Confidential Information confidential.
- 24.5 The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

25 Notices

- 25.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- 25.1.1 delivered or posted to that Party at its address, or
 - 25.1.2 emailed to that Party at its email address.
- 25.2 For the purposes of this clause a Party's address and email address are as noted under '**Parties to this Agreement**'.
- 25.3 If a Party gives the other Party 5 business days' notice of a change of its address or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.
- 25.4 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 25.4.1 delivered, when it is left at the relevant address,
 - 25.4.2 sent by post, 2 business days after it is posted, or
 - 25.4.3 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.



25.5 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

26 Approvals and Consent

The Developer must, at its cost, obtain all relevant approvals and consents for the Developer's Works, whether from the Council or from any other relevant Government Agency, including any necessary road opening permits. Before commencing the Developer's Work, the Developer must give to the Council copies of all approvals and consents for the Developer's Works, other than the project Consent.

27 Costs

27.1 The Developer is to pay to the Council the Council's costs of preparing, negotiating, executing and stamping and registering this Agreement, and any document related to this Agreement within 5 business days of a written demand by the Council for such payment.

27.2 The Developer is also to pay to the Council the Council's reasonable costs of enforcing this Agreement within 5 business days of a written demand by the Council for such payment.

28 Entire Agreement

28.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.

28.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

29 Further Acts

29.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

30 Governing Law and Jurisdiction

30.1 This Agreement is governed by the law of New South Wales.

30.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.

30.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.



31 Joint and Individual Liability and Benefits

31.1 Except as otherwise set out in this Agreement:

31.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and

31.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

32 No Fetter

32.1 The Parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the Act.

32.2 This Agreement is not intended to operate, and shall not be construed as operating to fetter, in any unlawful manner:

32.2.1 the power of Council to make any law; or

32.2.2 the exercise by Council of any statutory power, discretion or duty.

32.3 Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law.

33 Illegality

33.1 If this Agreement or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

34 Severability

34.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.

34.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

35 Amendment

35.1 No amendment of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement in accordance with section 203 of the Regulation.



36 Waiver

- 36.1 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 breach of obligation by, another Party.
- 36.2 A waiver by a Party is only effective if it:
- 36.2.1 is in writing,
 - 36.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - 36.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
 - 36.2.4 is signed and dated by the Party giving the waiver.
- 36.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 36.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 36.5 For the purposes of this Agreement, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

37 GST

- 37.1 In this clause:
- 37.1.1 Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.
 - 37.1.2 GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.
 - 37.1.3 GST Law has the meaning given by the A New Tax System (Goods and Services Tax) Act 1999 (Cth).
 - 37.1.4 Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.
 - 37.1.5 Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.



- 37.2 Subject to clause 37.3, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 37.3 No additional amount shall be payable by the Council under clause 37.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 37.4 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 82 of the A New Tax System (Goods and Services Tax) Act 1999, the Parties agree:
- 37.4.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 37.4.2 that any amounts payable by the Parties in accordance with clause 37.2 (as limited by clause 37.3) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 37.5 No payment of any amount pursuant to this clause 37, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 37.6 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 37.7 This clause continues to apply after expiration or termination of this Agreement.

38 Explanatory Note

- 38.1 The Appendix contains the Explanatory Note relating to this Agreement required by s205 of the Regulation.
- 38.2 Pursuant to s205(5) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Agreement



Schedule 1: Monetary Contribution

The terms of the monetary contribution and applicable credits are outlined below:

Development Contribution Roads	Value	Timing	Public Purpose
A credit will be applied to the overall amount payable for development contributions under the Amended Section 94 Contributions Plan for Roads, Traffic Management and Car Parking (2016)	\$55,000 (excluding GST) will be the credit applied to the overall contributions payable under the Amended Section 94 Contributions Plan for Roads, Traffic Management and Car Parking (2016)	Prior to the release of the Subdivision Certificate for Development Application D2021-820.	Road widening
Development Contribution Open Space	Value	Timing	Public Purpose
A credit will apply for development contributions applicable for Local Planning Unit West (South) under the Open Space and Recreation Facilities Contributions Plan (2016-2026)	\$246,084.30 will be the credit applied for Open Space Local Planning Unit West (South) under the Open Space and Recreation Facilities Contributions Plan (2016-2026). This amount is valid until 30 June 2024.	Prior to the release of relevant Subdivision Certificate for Development Application 2021-820.	Recreation and sporting infrastructure
Development contributions payable by the Developer for Citywide Planning Unit may be used for projects in local open space planning.	\$107,801.90 (open space and administration) for Citywide Planning Unit under the Open Space and Recreation Facilities (2016-2026). This amount is valid until 30 June 2024.	Prior to the release of relevant Subdivision Certificate for Development Application D2021-820.	Recreation and sporting infrastructure

Council and the Developer agree to the following:

The dedication of land being **1,196m²** along the Minore Road frontage for road widening purposes as identified on the plan contained in Schedule 2 of this Agreement. A credit will apply under the Amended Section 94 Contributions Plan for Roads, Traffic Management and Car Parking (2016) equivalent to the value of the land as determined by a valuation being \$55,000 (excluding GST);

A credit of \$246,084.30 will apply under the Open Space and Recreation Facilities Development Contributions Plan (2016-2026) for Local Planning Unit for the prior transfer of land being Lot 11 DP1142232 to Council for public recreation and sporting Infrastructure.



Schedule 2: Development Layout





Execution

Executed as an Agreement

Dated: #

Executed by Dubbo Regional Council under seal in accordance with a resolution of Council dated ###

CEO

Witness

Mayor

Witness

Executed on behalf of the **Trustees of the Roman Catholic Church for the Diocese of Bathurst** by its attorney [redacted] pursuant to power of attorney no. [redacted]

[redacted]
Diocesan Financial Administrator

[redacted]
Chancellor



APPENDIX

[REDACTED]

From: karen Settree [REDACTED]
Sent: Sunday, 9 July 2023 5:04 PM
To: Dubbo Regional Council
Cc: karen Settree
Subject: CD23/1892

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

Good afternoon

Attn: Chief Executive Officer

I write regarding the Joira Road, Dubbo 59 lot subdivision CD23/1892, VPA22-004, adjoining the blocks on the western side of Pebble Beach Drive, Dubbo.

I am the owner of [REDACTED] Pebble Beach Drive [REDACTED] and whilst I have no objection to the subdivision, I would like to draw attention to the drainage issues impacting my block from the land the subdivision relates to.

My Western boundary adjoins the land of the the subdivision, and in the big rain event of October 7 and 8, 2022, the water runoff from the block to be subdivided, from this rain event, did not drain to the storm water drain which is at the southern end of Pebble Beach Drive, instead the storm water rushed in under the back fence of my block, and poured through my yard from back to front, and after a few days drained out through the street at the front, meanwhile displacing garden beds, mulch, soil, and if I had not been home and sandbagging my tiled outdoor undercover area, my garage would have been flooded, and possibly in to the house also. The backyard was completely flooded, with water rushing down each side of my house. I have photos and videos of this event which I am happy to provide if requested.

I have read all the information available for the subdivision, and I realise stormwater/rainfall drainage is discussed, however I would like to be assured that with the subdivision potentially to occur, that the current drainage issues will be resolved and that I and my neighbours am not impacted in this way again. I can be contacted any time to discuss this as required.

Kind regards

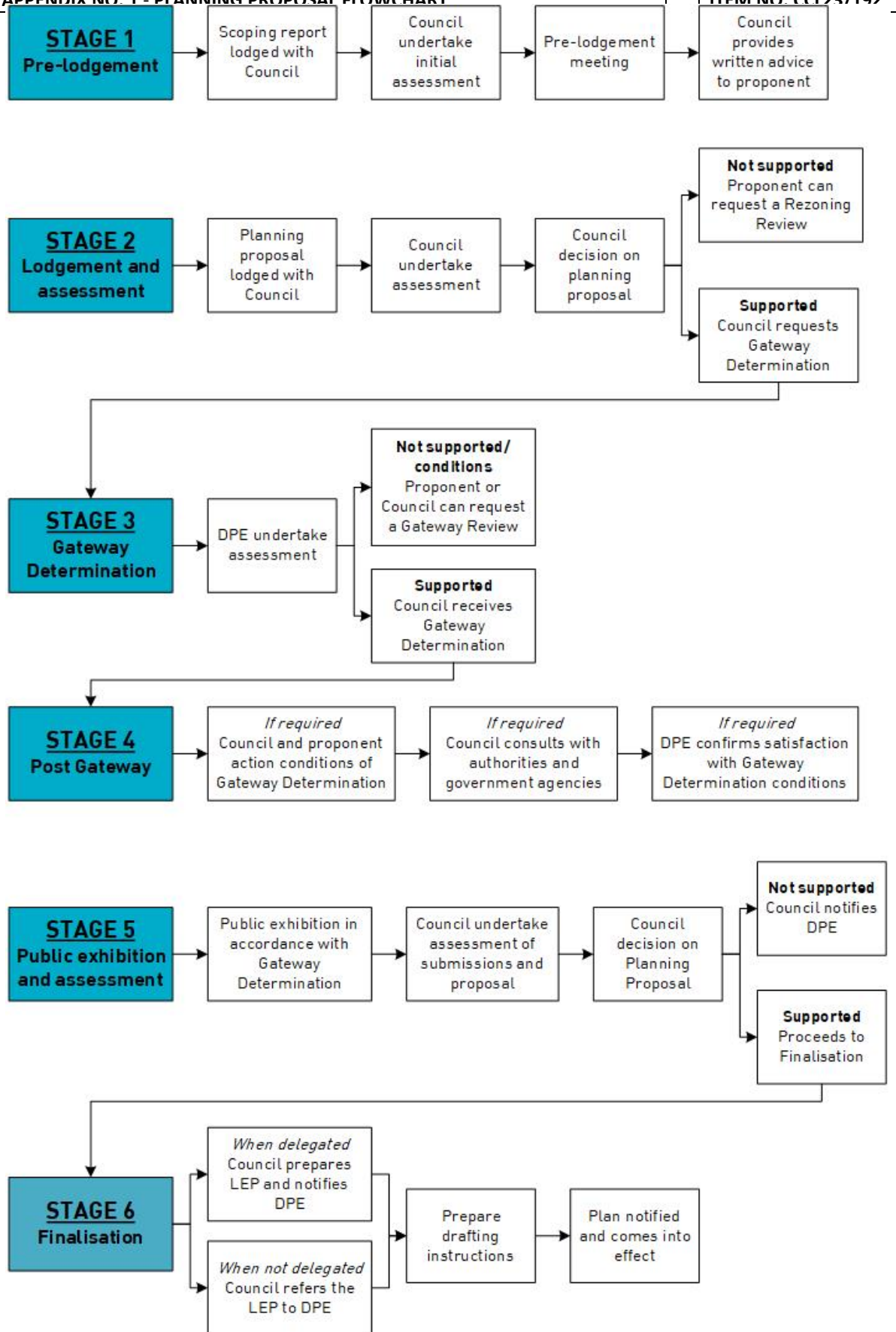
Karen Settree

[REDACTED] Pebble Beach Drive, Dubbo
[REDACTED]

CCL23/192 Planning Proposal R23-005 - Administrative Amendments to the Dubbo Regional Local Environmental Plan 2022

Attachment 1: Planning proposal flowchart 187

Attachment 2: Planning proposal - Administrative Amendments to the Dubbo Regional LEP 2022 188





Planning Proposal

Administrative Amendments to the Dubbo Regional Local Environmental Plan 2022

Acknowledgement:

Dubbo Regional Council wish to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. Council pay respect to the Elders past, present and emerging of the Wiradjuri Nation and extend that respect to other First Nations peoples who are present.



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ABOUT THIS PLANNING PROPOSAL

The Dubbo Regional Local Environmental Plan (LEP) 2022 regulates planning decisions in the Dubbo Regional Local Government Area through land and development controls such as zoning, minimum lot sizes, development standards and land use permissibility. To ensure it continues to deliver intended outcomes and meets the requirements of our community, Council is seeking to make administrative amendments.

This planning proposal aims to amend and address administrative matters in the Dubbo Regional LEP 2022, and allow new development types to be permitted with consent in certain zones. It has been prepared in accordance with the NSW Government Department of Planning and Environment – Local Environmental Plan Making Guideline, and identifies:

- Objectives and intended outcomes;
- Explanation of the provisions;
- Justification of strategic and site-specific merit;
- Justification of the proposed changes to the Dubbo Regional LEP 2022; and
- Project timeline.

A planning proposal must be endorsed by Council and the NSW Government Department of Planning and Environment in order to take effect. This process must be undertaken in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979.

PART 1 OBJECTIVES AND INTENDED OUTCOMES

The objective of this planning proposal is to amend the Dubbo Regional LEP 2022 to:

- Make Information and education facilities permitted with consent in the C3 Environmental Management zone;
- Make Dual occupancies (detached) permitted with consent in the R5 Large Lot Residential zone; and
- Introduce a new clause in Part 4 to provide clarity in relation to subdividing land in certain split zones.

This planning proposal aims to provide additional development opportunities for the community, and provide clarity for the subdivision of land in certain split zones.

PART 2 EXPLANATION OF PROVISIONS

The planning proposal aims to make the following changes to the Dubbo Regional LEP 2022, and will be applicable throughout the entire Dubbo Regional Local Government Area:

Amendments to Land Use Tables

Amend the C3 Environmental Management zone to make Information and education facilities permitted with consent.

The Dubbo Regional LEP 2022 currently prohibits Information and education facilities on land zoned C3 Environmental management, but they were permitted with consent under the former Wellington Local Environment Plan 2012.

Permitted Information and education facilities will enhance the objectives of the C3 Environmental management zone and allow visitors to learn about special ecological, environmental, cultural or aesthetic



values of a site. It may also facilitate Indigenous Elders being able to teach emerging Elders about their culture whilst remaining on ancestral lands.

Amend the R5 Large Lot Residential zone to make Dual occupancies (detached) permitted with consent

The Dubbo Regional LEP 2022 currently permits with consent a dual occupancy (attached), but prohibits a dual occupancy (detached), on land zoned R5 Large lot residential. Permitting a dual occupancy (detached) will be consistent with the zone objectives as it will provide housing in rural setting, allow for greater housing diversity and choice, not increase impacts on environmentally sensitive areas, and not increase the demand for public services or facilities.

Amendments to Part 4 – Principal development standards

Introduce a new clause for minimum lot size for certain split zones

The Dubbo Regional LEP 2022 does not contain objectives or controls that provide for the subdivision of land that contains more than one land use zone. Introducing a minimum lot size clause for certain split zones aims to clarify subdivision controls and ensure subdivision occurs in a manner that promotes sustainable land use and development. The objectives of this clause are to provide for the subdivision of lots that cannot be subdivided under clause 4.1 or 4.1AA, and to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

The clause would be applicable to land in the following split zones:

- Residential zones
- Employment zones
- Environmental zones
- Rural zones
- Special purpose zones

Council currently utilises section 4.6 Exceptions to development standards of the Dubbo Regional LEP 2022 to deal with subdivision in split zones. Adding a clause that outlines how lots with split zones can be subdivided will allow developers to effectively identify development opportunities in these areas and expedite the development application process.

The intent of the clause is to ensure the resulting lots comprise of only one land use zone and minimum lot size area. The exact wording of the clause has not been determined, but it would be similar to the Bathurst Regional Local Environmental Plan 2014 and the Orange Local Environmental Plan 2011. The wording of these clause are:

Bathurst Regional LEP 2014

- (1) The objective of this clause are as follows—
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, 4.1AA or 4.1A,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an *original lot*) that contains –
 - (a) land in Zone RU5 Village, Zone C4 Environmental Living or a residential employment, special purpose or recreation zone, and



- (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation or Zone C3 Environmental Management
- (3) Despite clauses 4.1 and 4.1AA, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if –
 - (a) one of the following results will contain—
 - (i) land in Zone RU5 Village, Zone C4 Environmental Living or a residential employment, special purpose or recreation zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

Orange LEP 2011

- (1) The objectives of this clause are—
 - (a) to provide for the subdivision of lots that are within more than 1 zone but cannot be subdivided under clause 4.1, and
 - (b) to ensure that subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an original lot) that comprises land in more than 1 zone.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—
 - (a) one of the resulting lots comprises all of the land in the original lot that is not in a relevant zone, and
 - (b) each other resulting lot comprises only land in 1 relevant zone.
- (4) The resulting lot specified in subclause (3)(a) may be smaller than the minimum lot size for the land as shown on the Lot Size Map.
- (5) A resulting lot specified in subclause (3)(b) must not be—
 - (a) subject to more than 1 minimum lot size as shown on the Lot Size Map, or
 - (b) smaller than the minimum lot size for the land as shown on the Lot Size Map.
- (6) Development consent must not be granted for the erection of a dwelling house on the resulting lot specified in subclause (3)(a).
- (7) In this clause—

relevant zone means Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential.

PART 3 JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

The planning proposal has been assessed against the following Council strategies, policies and guidelines, the NSW Department of Planning and Environment’s Local Environmental Plan Making Guidelines, State Environmental Planning Policies, and Ministerial Directions.

- Central West and Orana Regional Plan 2040
- Dubbo Regional Council – Towards 2040 Community Strategic Plan
- Dubbo Regional Council – Local Strategic Planning Statement
- Dubbo Urban Areas Development Strategy
- Dubbo Rural Areas Development Strategy
- Ministerial Directions
- State Environmental Planning Policies

The assessment indicates the proposal has strategic merit and should be submitted to the NSW Department of Planning and Environment for a Gateway Determination.

Section A – Need for the Planning Proposal

Question	Considerations
Is the planning proposal a result of an endorsed LSPS, strategic study or report?	The planning proposal is the result of a report adopted by Dubbo Regional Council on 8 December 2022 that required a planning proposal be prepared for an operational review of the Dubbo Regional LEP 2022.
Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	A planning proposal is the best way to achieve these goals as they involve modifying development controls in the Dubbo Regional LEP 2022. The addition of the split zones clause will remove the need for some developments to be assessed under Clause 4.6 Exceptions to development standards.

Section B – Relationship to the Strategic Planning Framework

Question	Considerations
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)?	<u>Central West and Orana Regional Plan 2041</u> The planning proposal is consistent with the Central-West and Orana Regional Plan 2041’s (CWORP 2041) objectives. The relevant objectives are: <ul style="list-style-type: none"> • Objective 5: Identify, protect and connect important environmental assets • Objective 6: Support connected and healthy communities • Objective 9: Ensure site selection and design embraces and respects the region’s landscape character and cultural heritage

Question	Considerations
	<ul style="list-style-type: none"> • Objective 13: Provide well located housing options to meet demand • Objective 15: Manage rural residential development • Objective 19: Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities <p><u>Information and education facilities</u></p> <p>Permitting with consent Information and education facilities on land zoned C3 Environmental Management would enhance Objectives 5, 6 and 9 by allowing visitors to gain a greater appreciation of the land and what they can do to protect it for the future.</p> <p>These facilities could also enable Indigenous Elders to teach emerging Elders about their culture whilst remaining on ancestral lands, and share that culture with the broader community.</p> <p><u>Dual occupancy (detached)</u></p> <p>Making Dual occupancy (detached) permissible in R5 Large Lot Residential zones would enhance Objectives 13 and 15. This change would not impact the character of the zone as Dual occupancy (attached) are currently permitted with consent. Furthermore, it would provide more housing options for people who want to enjoy the rural residential lifestyle.</p> <p><u>Minimum lot size for certain split zones</u></p> <p>This clause would enhance Objectives 5, 13, 15 and 19.</p>
<p>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</p>	<p><u>Dubbo Local Strategic Planning Statement</u></p> <p>The planning proposal is consistent with the Planning Priorities of the Dubbo Local Strategic Planning Statement (LSPS). The relevant Planning Priorities are:</p> <ul style="list-style-type: none"> • Priority 5: Protect and enhance our agricultural industries and agribusiness • Priority 10: Improve the affordability of housing • Priority 13: Manage R5 zoned land • Priority 15: Protect areas of high environmental value and significance • Priority 16: Recognise, protect and celebrate our heritage • Priority 17: Acknowledge and embrace Aboriginal culture • Priority 20: Protect and enhance rural lands



Question	Considerations
	<p><u>Information and education facilities</u></p> <p>Permitting with consent Information and education facilities on land zoned C3 Environmental Management would enhance Planning Priorities 15, 16 and 17.</p> <p><u>Dual occupancy (detached)</u></p> <p>Permitting with consent Dual occupancies (detached) would enhance Planning Priority 13.</p> <p><u>Minimum lot size for certain split zones</u></p> <p>This clause would enhance Planning Priorities 5, 15 and 20.</p>
<p>Is the planning proposal consistent with other local government strategies?</p>	<p><u>Urban Areas Strategy</u></p> <p>The planning proposal is consistent with the overall objectives and intent of the Dubbo Residential Areas Development Strategy. It is also considered that the Planning Proposal is consistent with the other applicable components of the Dubbo Urban Areas Development Strategy.</p> <p><u>Rural Areas Strategy</u></p> <p>The Planning Proposal is considered to be broadly consistent with the Dubbo Rural Areas Development Strategy.</p>
<p>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</p>	<p><u>Other State or Regional Strategies</u></p> <p>There are no other relevant State or regional studies or strategies.</p>
<p>Is the planning proposal consistent with applicable SEPPs?</p>	<p><u>State Environmental Planning Policies</u></p> <p>The Planning Proposal is considered to be consistent with the following SEPPs:</p> <ul style="list-style-type: none"> • Biodiversity and Conservation 2021 • Housing 2021 • Primary Production 2021
<p>Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</p>	<p><u>Ministerial Directions</u></p> <p>The planning proposal is generally consistent with the following Ministerial Directions:</p> <ul style="list-style-type: none"> • 1.1 – Implementation of Regional Plans • 1.3 – Approval and Referral Requirements • 1.4 – Site Specific Provisions • 3.1 – Conservation Zones • 3.6 – Strategic Conservation Planning • 4.1 – Flooding • 4.3 – Planning for Bushfire Protection • 4.4 – Remediation of Contaminated Land • 6.1 – Residential Zones

Question	Considerations
	<ul style="list-style-type: none"> • 9.1 – Rural Zones • 9.2 – Rural Lands <p><u>Information and education facilities</u></p> <p>Ministerial Direction 3.1</p> <p>The planning proposal is consistent with this direction as it will facilitate the protection and conservation of environmentally sensitive areas. The proposal will not reduce conservation standards in C3 zones as potential developments will be assessed against the objectives of the zone, and as such will need to be consistent with the goals of environmental management. The development of Information and education facilities will increase public understanding of the ecological value of the area which will make them more likely to value the conservation of the environment.</p> <p>Ministerial Direction 9.2</p> <p>The planning proposal is consistent with this direction it will protect the environmental values of the zone, including maintaining biodiversity, the protection of native vegetation, cultural heritage and the importance of water resources. This proposal also promotes opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.</p> <p><u>Dual occupancy (detached)</u></p> <p>6.1 Residential Zones</p> <p>The planning proposal is consistent with this direction as it will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing on the urban fringe.</p> <p><u>Minimum lot size for certain split zones</u></p> <p>There are no additional relevant Ministerial Directions relating to this amendment. Ministerial Direction 9.2 Rural Lands is not applicable as this proposed amendment will not alter the minimum lot size for any form of development, nor will it change the boundary of any existing rural or conservation zones.</p>



Section C – Environmental, Social and Economic Impacts

Question	Considerations
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	The planning proposal will have minimal environmental impact. Permitting Information and education facilities in the C3 Environmental management zone will have a positive environmental impact. These facilities will help the public recognise and understand the environmental significance of the protected area which will aid in the preservation of the area for future generations.
Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	The planning proposal will have no other negative environmental effects.
Has the planning proposal adequately addressed any social and economic effects?	This planning proposal will have positive economic and social impacts.

Section D – Infrastructure

Question	Considerations
Is there adequate public infrastructure for the planning proposal?	The planning proposal will not create additional demand for public infrastructure as it is not site-specific, and it will enhance the relevant zone objectives. Access to public infrastructure will still be assessed at the development application stage.

Section E – State and Commonwealth Interests

Question	Considerations
What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	State and Commonwealth public authorities will be consulted in accordance with the Gateway determination and will be given at least 30 days to comment on the proposal.

PART 4 MAPS

The planning proposal would not make any changes to map.



PART 5 COMMUNITY CONSULTATION

Community consultation will occur in accordance with the requirements of the Gateway Determination. The planning proposal will be on public exhibition for a minimum of 28 days, and it will be notified in the following ways:

- NSW Planning Portal
- Council's Customer Experience Centres – Dubbo and Wellington
- Macquarie Regional Library - Dubbo and Wellington branches
- Council's website
- Local newspapers
- Email to development stakeholders

Council will undertake consultation with the following State agencies:

- NSW Department of Primary Industries (Agriculture)
- NSW Environment, Energy and Science (Biodiversity, and Flooding and Water)
- Rural Fire Service
- Heritage NSW
- Water NSW

PART 6 PROJECT TIMELINE

The below estimated timeline provides a mechanism to monitor and resource the various steps required to progress the planning proposal:

Key date	Explanation
27 July 2023	Consideration by Council
Early August	Submit the planning proposal to the Department of Planning and Environment for Gateway Determination
September 2023	Gateway determination issued
October 2023	Post-gateway review and amendments (if necessary)
November 2023	Public exhibition period
December 2023	Consideration of submissions
January 2024	Consideration by Council
February 2024	Submit the planning proposal to the Department of Planning and Environment for finalisation
April 2024	Gazettal of the LEP amendment

**CCL23/193 Amendments to the Kintyre Heights Estate Development
Control Plan - Results of Public Exhibition**

Attachment 1: Draft Development Control Plan 200



Kintyre Heights Estate Development Control Plan

Adopted by Council on 27 July 2023

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Part 1 Introduction

1.1 Name and application of this Plan

This Development Control Plan is known as the Kintyre Heights Estate Development Control Plan (the Plan).

This Plan has been prepared by Council in accordance with Section 3.43 of the Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulation 2021 (the Regulation).

1.2 Application of this Plan

This DCP applies to the land known as 'Kintyre Heights' being land identified (outlined red) as Lot 172 DP753233 and as shown in Figure 1 below:



Figure 1. Area to which this Plan applies

1.3 Purpose of this Plan

The purpose of this Plan is to provide detailed planning and design guidelines for land within the South-West Urban Release Area, in line with Part 6 of the Dubbo Regional Local Environmental Plan 2022. Specifically the plan will:

- Provide guidance to developers/applicants/builders in the design of development proposals for land to which this Plan applies.
- Communicate the planning, design and environmental objectives and controls against which the Consent Authority will assess development applications in the Kintyre Heights Estate.
- Provide guidance on the orderly, efficient and environmentally sensitive development of the Kintyre Heights Estate.
- Promote quality urban design outcomes within the context of environmental, social and economic sustainability.

1.4 Commencement of the Plan

The Plan was adopted by Council on 27 July 2023 and commenced on 31 July 2023. The Plan should be read in conjunction with the Dubbo Local Environmental Plan 2022 (LEP) and the Dubbo Development Control Plan 2013 (DCP).

1.5 Relationship to other Plans and documents

Under the Act, Council is required to take into consideration the relevant provisions of this Plan in determining an application for development on land to which this Plan applies.

In the event of any inconsistency between an Environmental Planning Instrument (EPI) and this Plan, the provisions of the EPI will prevail.

Council in the assessment of a development application will consider all matters specified in Section 4.15 of the Act. Compliance with any EPI or this Plan does not infer development consent will be granted.

1.6 Torrens Title Subdivision

The owner of the land, Highview Country Estates Pty Ltd intends to develop the subject land for the purposes of residential development.

The land is zoned R5 Large Lot Residential under the provisions of the Dubbo Regional LEP 2022. The Minimum Lot Size of the land can be categorised into three (3) sizes: 2000m², 4000m², and 10Ha. The land has existing vegetation with two (2) distinct ridgelines through the property dividing the land into a number of catchments.

The intent of the site is to be subdivided into allotments ranges from 2000m² to 6900m² and be developed as a Torrens Title Subdivision where all infrastructure services within the site (roads, stormwater drainage, sewer and water reticulation) will be maintained and managed in accordance with Council's engineering standards.

The subdivision will be required to comply with Council's requirements for public infrastructure.

Part 2 Residential Development and Subdivision

2.1 Residential Subdivision Controls

This section is designed to encourage current 'best practice' solutions for subdivision design. The achievement of pleasant, safe and functional subdivision is the main objective for subdivision design.

This section lists subdivision design elements under the following headings:

Element 1	Streetscape character and building design
Element 2	Lot layout
Element 3	Landscaping
Element 4	Infrastructure
Element 5	Street design and road hierarchy
Element 6	Pedestrian and cycle links
Element 7	Stormwater management
Element 8	Water quality management

Element 1. Streetscape Character and Building Design

Introduction

Successful neighbourhoods have a sense of community, are designed to promote social interaction, are pleasant to live in and have a high level of safety for residents and visitors. Good neighbourhood design considers how residents will interact within the neighbourhood and considers the street and pedestrian networks in addition to housing.

Objectives

- To efficiently utilise land and maintain the bushland character and ecological attributes of the estate.
- To emphasise the natural attributes of the site and reinforce neighbourhood identity through the incorporation of visible features such as bushland canopies, retention of existing established trees and vegetation corridors.
- To provide neighbourhoods that offer opportunities for social interaction.
- To ensure motor vehicles do not dominate the neighbourhood.
- To establish a clear residential structure that facilitates a 'sense of neighbourhood' and encourages walking and cycling within the Estate and connections into adjoining Estates.

Performance criteria The streetscape character and building design objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Residential neighbourhoods are focused on elements of the public domain such as a bushland reserves and wetlands that are typically within walking distance.	A1.1 Watercourses, natural vegetation and heritage items are retained and emphasised in the design.
P2 The layout provides for community focal points and public open space that promotes social interaction and caters for a range of uses by the community.	A2.1 Pedestrian connectivity is maximised within and between each residential neighbourhood with a particular focus on pedestrian routes connecting to public open space, bus stops, educational establishments and community/recreation facilities.
P3 The layouts of street blocks establish a clear urban structure and are of a size and length that promotes and encourages walking and cycling.	There is no applicable Acceptable Solution to this Performance Criteria.

<p>P4 Neighbourhood design provides for passive surveillance of residences and public areas to enhance personal safety and minimise the potential for crime.</p>	<p>A4.1 The subdivision layout minimises narrow pedestrian pathways between or behind development (for example, at cul-de-sac heads) and sound barriers and fencing which remove or reduce passive surveillance of higher order roads.</p> <p>A4.2 Neighbourhood design enhances legibility and way-finding through an easily-understood street layout and provides vistas towards natural features and buildings.</p> <p>A4.3 Neighbourhoods are designed with high levels of physical connectivity for pedestrians, cyclists and vehicles, both within and to adjacent neighbourhoods.</p>
<p>P5 Lot dimensions respond to the topography and the road layout to ensure the bushland character is maintained and enhanced.</p>	<p>A5.1 A minimum lot frontage of 25 metres measured at the front building line/street facing building line, as shown in Figure 4, should be provided to all lots.</p>
<p>P6 Street networks provide good external connections for local vehicle, pedestrian and cycle movements.</p>	<p>A6.1 The overall subdivision development shall achieve a minimum Internal Connectivity Index (ICI) score of 1.30.</p> <p>Note: The importance of a well-connected subdivision which can be achieved through a good ICI is further explained in the following section.</p>

Internal Connectivity Index

The Internal Connectivity Index (ICI) is calculated by the number of street links divided by the number of street nodes (Ewing, 1996). A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac, including road segments leading from the adjoining highway network or adjacent development.

A node is defined as an intersection and the end of a cul-de-sac. They do not include the end of a stub-out at the property line. The higher the connectivity index, the more connected the roadway network. Residential subdivisions that are dominated by cul-de-sacs provide discontinuous street networks, reduce the number of footpaths, provide few alternate travel routes and tend to force all trips onto a limited number of arterial roads.

Figure 2 shows two examples of a subdivision. The example on the left shows a well-connected subdivision layout that minimises the distance to travel from a dwelling house to a focal point. The example on the right shows the same trip through a poorly connected subdivision.

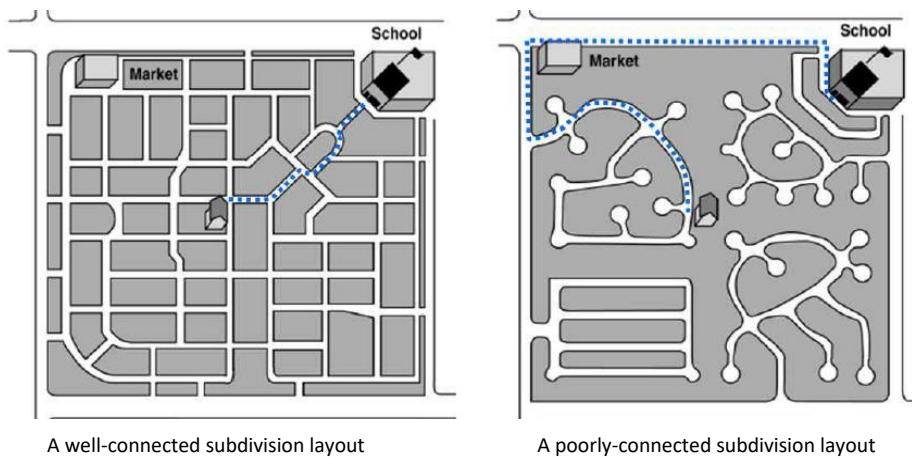
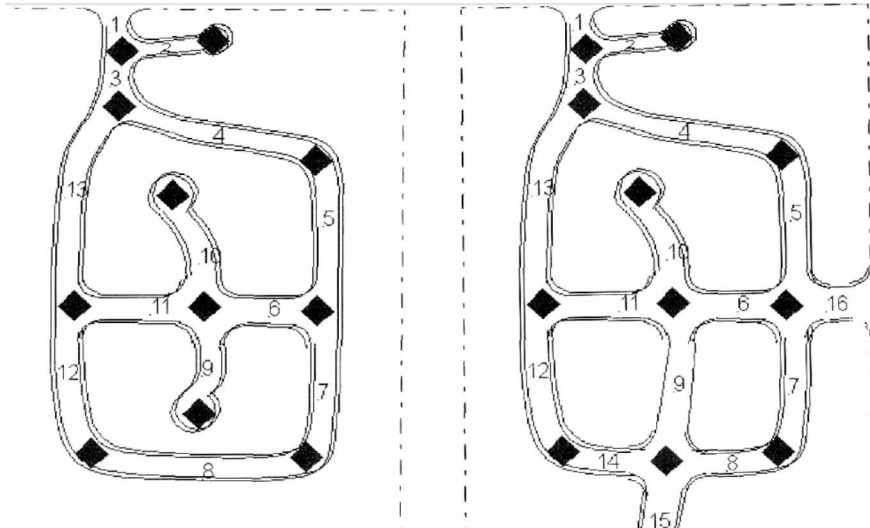


Figure 2. Subdivision connectivity examples



Example 1. 13 links/11 nodes = 1.18 ratio

Example 2. 16 links/11 nodes = 1.45 ratio

Figure 3. Calculation of the Internal Connectivity Index (ICI)

25 metre frontage width

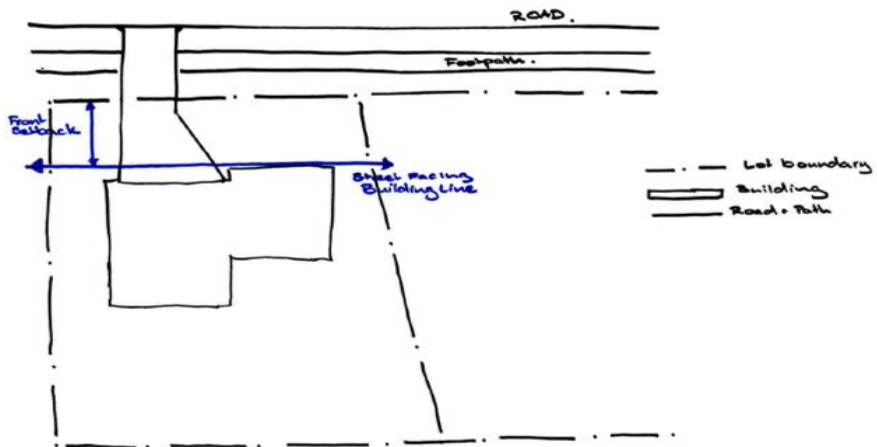


Figure 4. Example of minimum lot frontage of 25 metres measured at the front building line/street

Element 2. Lot Layout

Introduction

Provision of an efficient and effective lot layout can allow for the creation of neighbourhoods that encourage connectivity and achieve quality urban design outcomes.

The arrangement of future dwellings will have an important influence on the quality of the neighbourhood that develops and should be considered as part of the lot design.

Objectives

- To provide lot sizes to suit a variety of household types and requirements whilst considering the bushland setting of the area.
- To create attractive residential streets by carefully planning the location of garages and driveways within street frontages and improving the presentation of dwelling houses.

Performance criteria The lot layout objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Lots are designed to optimise outlook to the bushland bounding the subdivision.	A1.1 There is no applicable Acceptable Solution to this Performance Criteria.
P2 The design of lots provides vehicular access to the rear or side of lots where front access is restricted or not possible, particularly narrow lots where front garaging is not permitted.	A2.1 There is no applicable Acceptable Solution to this Performance Criteria.
P3 A range of lot types (area, frontage, depth and access) is provided to ensure a mix of housing designs and styles.	<p>A3.1 Within the Estate, the subdivision design shall provide varied lot frontages to promote a differentiation in design and housing product.</p> <p>A3.2 Where residential development adjoins the bushland reserve areas, the subdivision is to create lots to enable a living area within the dwelling to overlook the bushland reserve area.</p>

Performance criteria The lot layout objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P4 Battle-axe lots shall only be provided in limited circumstances where the topography and development orientation results in regular subdivision not being able to be achieved.	A4.1 There is no applicable Acceptable Solution to this Performance Criteria.
P5 The visual impact to the streetscape of battle-axe entry ways and driveways should be ameliorated, where possible.	A5.1 There is no applicable Acceptable Solution to this Performance Criteria.
P6 To ensure corner lots are of sufficient dimensions and size to enable residential controls to be met.	A6.1 Corner lots are to be designed to allow residential accommodation to positively address both street frontages.

Element 3. Landscaping**Objectives**

- To provide landscaping that contributes to the identity and environmental health of the community.
- To ensure streetscape components do not detrimentally affect solar access to individual dwellings.

Performance criteria The public open space and landscaping objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Landscaping is designed and located to not impact built infrastructure.	A1.1 Landscaping is provided in accordance with the requirements of a Landscaping Schedule that has been approved by Council's Community, Culture and Places Division.
P2 Landscaping is provided in an environmentally sustainable manner which limits the time and costs associated with maintenance.	<p>A2.1 Existing native trees are retained wherever possible.</p> <p>A2.2 Species selected are suitable for the local climate.</p> <p>A2.3 Species selected require a minimal amount of watering.</p> <p>A2.4 Landscaping does not impact ground-water levels by encouraging over-watering resulting in groundwater level increases or the pollution of waters.</p>
P3 Street trees are selected to provide summer shading while not impeding solar access to dwellings in winter.	<p>A3.1 Street trees are provided in accordance with the requirements of Council's Community, Culture and Places Division generally and any applicable tree planting standards.</p> <p>A3.2 Deciduous trees are selected where shadows would adversely impact solar access.</p>

<p>Performance criteria The public open space and landscaping objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
	<p>A3.3 Taller tree species are planted on the northern side of east-west aligned streets, shorter species are planted on the southern side.</p> <p>A3.4 Endemic species or species with a proven tolerance to the local climate and conditions that preserve solar access of adjoining properties are provided.</p> <p>A3.5 Plantings with low maintenance and low water consumption are provided.</p> <p>A3.6 Evergreen species for windbreaks and planting along the south or west side of the area are protected against wind.</p>

Element 4. Infrastructure**Objectives**

- To ensure the Estate is serviced with essential services in a cost-effective and timely manner.
- To ensure the Estate is adequately serviced with water and sewerage infrastructure.
- To ensure acoustic infrastructure adequately mitigates adverse noise impacts on residential development.

Performance criteria The infrastructure objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 Design and provision of utility services including sewerage, water, electricity, gas, street lighting and communication services are cost-effective over their lifecycle and incorporate provisions to minimise adverse environmental impact in the short and long-term.</p>	<p>A1.1 The design and provision of utility services conforms to the requirements of relevant service authorities.</p> <p>A1.2 Water and sewerage services are to be provided to each allotment at the full cost of the developer.</p> <p>A1.3 Telecommunications and National Broadband Network Infrastructure is provided to each lot in accordance with the requirements of the appropriate authority.</p> <p>A1.4 Energy efficient and appropriately located street lighting is provided in accordance with AS/NZS 1158.1.1. All cable reticulation is to be installed underground.</p> <p>A1.5 Subdivision of the land is to be undertaken as a Torrens Title Subdivision.</p> <p>A1.6 Electricity supply is to be provided in accordance with the requirements of the relevant electricity supply authority. All cable reticulation is to be installed underground.</p>
<p>P2 Compatible public utility services are located in common trenching in order to minimise the land required and the costs for underground services.</p>	<p>A2.1 Services are located next to each other in accordance with Council's Policy for trenching allocation in footways (Standard Drawing 5268).</p>

<p>P3 Water supply and sewerage networks are available and are accessible.</p>	<p>A3.1 Water and sewerage services are designed and constructed in accordance with Council's adopted AUS-SPEC#1 Development Specification Series – Design and Construction and Technical Schedules – Construction of Water Reticulation and Gravity Sewerage Reticulation and Water Services Association of Australia.</p> <p>A3.2 Any development application for subdivision of the land shall include an analysis of Council's downstream sewerage infrastructure, including information addressing the capacity of the downstream network.</p> <p>A3.3 A Drinking Water Quality Management Plan is required to be prepared, which addresses the 12 elements of the Australian Drinking Water Guidelines 2011 and requirements of NSW Health.</p> <p>A3.4 The water supply system for the subdivision shall be designed and provided as an in-line pressure booster pumping station to service all of the proposed Kintyre Heights subdivision, designed in accordance with s.6.2 – IN-LINE PRESSURE BOOSTER PUMPING STATIONS of the WSA Water Supply Code of Australia – Part 1: Planning and Design – Version 3.2. Whilst the entirety of s.6.2 needs to be reviewed and adhered to.</p> <p>The water supply system is to be designed in accordance with the following requirements:</p> <p>Section 6.2.2.9 – SITE SELECTION, the booster pump station is to be placed on land dedicated to Council.</p> <p>Section 6.2.8.5 – EMERGENCY POWER, an emergency primary supply generator is to be provided in the event mains power is interrupted. The generator shall be sufficiently sized to sustain at least 8 hours of full load operation.</p> <p>Section 6.2.9.4 – FIRE FLOW OPERATION, the booster pump station shall be designed to operate under fire flow conditions and allow for the usage of spring hydrant valves within the proposed subdivision.</p> <p>Appendix D – BOOSTER CONFIGURATION provides examples of booster pump station designs.</p>
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Element 5. Street Design and Road Hierarchy

Objectives

- To ensure streets fulfil their designated function within the street network.
- To facilitate public service utilities.
- Encourage street designs that accommodate drainage systems.
- Create safe and attractive street environments.

Performance criteria The street design and road hierarchy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 The street reserve width is sufficient to cater for all street functions, including: Safe and efficient movement of all users. Provision for parked vehicles. Provision for landscaping.</p>	<p>A1.1 The road hierarchy complies with the relevant Residential Release Strategy.</p> <p>A1.2 The road hierarchy is designed and constructed in accordance with Aus-Spec (Dubbo Regional Council version).</p> <p>A1.3 The road layout provides appropriate connectivity as approved by Council, between adjoining residential estates for both vehicular and pedestrian movement.</p>
<p>P2 The verge width is sufficient to provide for special site conditions and future requirements.</p>	<p>A2.1 The verge width is increased where necessary to allow space for: Larger scale landscaping. Indented parking. Future carriageway widening. Retaining walls. Cycle paths. Overland flow paths.</p>
<p>P3 Street design caters for all pedestrian users including the elderly, disabled and children by designing streets to limit the speed motorists can travel.</p>	<p>There is no applicable Acceptable Solution to this Performance Criteria.</p>

Performance criteria The street design and road hierarchy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P4 Driveway egress movements do not create a safety hazard.	A4.1 Motorists can enter or reverse from a residential lot in a single movement.
P5 Bus routes have a carriageway width that: <ul style="list-style-type: none"> - Allows for the movement of buses unimpeded by parked cars. - Safely accommodates cyclists. - Avoids cars overtaking parked buses. 	A5.1 The geometry of streets identified as bus routes provides suitable turning, stopping sight distance, grade and parking for buses.
P6 Geometric design for intersections, roundabouts and slow points is consistent with the vehicle speed intended for each street.	A6.1 Sufficient area is provided at the head of cul-de-sacs for waste disposal vehicles to make a three point turn.
P7 Car parking is provided in accordance with projected needs determined by: <ul style="list-style-type: none"> - The number and size of probable future dwellings. - The car parking requirements of likely future residents. - Availability of public transports. - Likely future onsite parking provisions. - Location of non-residential uses such as schools/shops. - The occasional need for overflow parking. 	There is no applicable Acceptable Solution to this Performance Criteria.
P8 Car parking is designed and located to: <ul style="list-style-type: none"> - Conveniently and safely serve users, including pedestrians, cyclists and motorists. - Enable efficient use of car spaces and access ways including adequate manoeuvrability between the street and lots. - Fit in with adopted street network and hierarchy objectives and any related traffic movement plans. - Be cost effective. - Achieve relevant streetscape objectives. 	There is no applicable Acceptable Solution to this Performance Criteria.

Element 6. Pedestrian and Cycle Links

Objective

- To encourage walking and cycling by providing safe and convenient movement networks to points of attraction and beyond the development.

Performance criteria The pedestrian and cycle links objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Planning</p> <p>P1 The residential street and path network provides a network of pedestrian and cyclist routes, with connections to adjoining streets, open spaces and activity centres.</p>	<p>A1.1 Where a Traffic Calming Plan or an approved Pedestrian and Cyclist Plan exist, pedestrian and cyclist paths are provided in accordance with that Plan.</p> <p>A1.2 Pedestrian and cycle paths are provided in accordance with the Dubbo Strategic Open Space Master Plan.</p> <p>A1.3 A network of footpaths and cycle routes is provided that accounts for: The need to encourage walking and cycling. Likely users (e.g. school children, parents with prams, aged people, commuters and cyclists). Opportunities to link open space networks and community facilities including public transport, local activity centres, schools and neighbouring shopping centres. Topography and cyclist and pedestrian safety.</p>
<p>P2 The alignment of paths allows safe and convenient use by pedestrians and cyclists and is varied to preserve trees and other significant features. A focus on vistas and landmarks adds visual interest where they exist.</p>	<p>There is no applicable Acceptable Solution to this Performance Criteria.</p>

Performance criteria The pedestrian and cycle links objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P3 Provision is made for the location of seats in appropriate places.	A3.1 Seats to be provided in accordance with the requirements of Council's Community, Culture and Places Division, within the bushland reserve area.
P4 There is adequate provision for passing with paths widened at potential conflict points or junctions on high-use facilities to allow for passing of pedestrians/cyclists.	A4.1 Paths are widened at potential conflict points or junctions in areas of high use such as schools, corner stores etc.
P5 Pedestrian and cyclist paths are constructed to provide a stable surface for projected users and is easily maintained.	There is no applicable Acceptable Solution to this Performance Criteria.

Element 7. Stormwater Management

Objectives

- To provide major and minor drainage systems which:
 - Adequately protect people and the natural and built environments to an acceptable level of risk and in a cost effective manner in terms of initial costs and maintenance.
 - Contribute positively to environmental enhancement of catchment areas.
- To manage any water leaving the site (during construction and operation) with stormwater treatment measures.

Performance criteria	Acceptable solutions
The stormwater management objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Post development peak flows (up to 100 year ARI storm events) are limited to 'pre-development' levels.	A1.1 The system design allows for the safe passage of vehicles at reduced speeds on streets which have been affected by run-off from a 20% AEP event.
P2 The stormwater drainage system has the capacity to safely convey stormwater flows resulting from the relevant designed storm event under normal operating conditions, taking partial minor system blockage into account.	<p>A2.1 The design and construction of the stormwater drainage system is in accordance with the requirements of Australian Rainfall and Runoff 1987 and Aus-Spec (Council version) Development Specification Series – Design and Development Specification Series – Construction.</p> <p>A2.2 Infrastructure plans for subdivisions shall show all minor and major stormwater systems clearly defined and identified. Minor systems for residential areas are designed to cater for the 1-in-100 year storm event. These systems are to be evident as 'self-draining' without impacting on flooding of residential houses etc.</p>

Performance criteria	Acceptable solutions
The stormwater management objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
P3 Natural streams and vegetation are retained wherever practicable and safe, to maximise community benefit.	A3.1 Natural streams and vegetation are incorporated into the stormwater drainage system for the subdivision and open space requirements.
P4 The stormwater system/drainage network is designed to ensure that there are no flow paths which would increase risk to public safety and property.	There is no applicable Acceptable Solution to this Performance Criteria.
P5 The system design allows for the safe passage of vehicles at reduced speeds on streets which have been affected by run-off from the relevant designed storm event.	A5.1 The system allows for the safe passage of vehicles at reduced speeds on streets which have been affected by run-off from a 20% AEP event.
Site drainage P6 Subdivision design and layout provides for adequate site drainage.	A6.1 Site stormwater drainage systems are provided in accordance with Council's requirements. A6.2 The design and construction of the inter-allotment drainage system are in accordance with the requirements of Australian Rainfall and Runoff (1987) and Aus-Spec (Dubbo Regional Council version) Development. Specification Series – Design and Development Specification Series – Construction.

Performance criteria	Acceptable solutions
The stormwater management objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:

<p>Flooding</p> <p>P7.1 Where residences (new or existing) are proposed in flood-affected areas, these shall be protected from flood waters.</p> <p>P7.2 Flood-ways are developed in a manner which ensures that there is a low risk of property damage.</p>	<p>A7.1 The finished floor level of residential accommodation is located at or above the 'flood planning level' to provide protection to life and property in accordance with the accepted level of risk.</p>
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Element 8. Water Quality Management**Objective**

- To provide water quality management systems which:
 - Ensure that disturbance to natural stream systems is minimised.
 - Stormwater discharge to surface and underground receiving waters, during construction and in developing catchments, does not degrade the quality of water in the receiving areas.

Performance criteria The water quality management objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P1 Adequate provision is made for measures during construction to ensure that the land form is stabilised and erosion is controlled.	A1.1 An Erosion and Sediment Control Plan is prepared by suitably qualified professionals using the 'Blue Book – Managing Urban Stormwater: Soils and Construction' and provided to Council.
P2 The system design optimises the interception, retention and removal of water-borne pollutants through the use of appropriate criteria prior to their discharge to receiving waters.	A2.1 The Erosion and Sediment Control Plan is to comply with the document 'Managing Urban Stormwater: Soils and Construction', produced by NSW Department of Housing.
P3 The system design minimises the environmental impact of urban run-off on surfaces receiving water quality and on other aspects of the natural environment, such as creek configuration and existing vegetation, by employing techniques which are appropriate and effective in reducing run-off and pollution travel.	<p>A3.1 Water pollution control ponds or wetlands are developed (where appropriate) for final treatment before discharge to the wider environment and should be sited to minimise impacts on the natural environment.</p> <p>A3.2 Sensors are used to control watering systems.</p>

2.2 Residential Design

This section is designed to encourage 'best practice' solutions and clearly explain requirements for the development of Residential Accommodation.

The objectives of this section are:

- To facilitate a mix of dwelling sizes complementing the character of the area and that provide accommodation for all sectors of the community.
- To facilitate low density residential accommodation with an economic use of infrastructure.

This section lists design elements under the following headings:

Element 1	Streetscape character
Element 2	Building setbacks
Element 3	Solar access
Element 4	Private open space and landscaping
Element 5	Vehicular access and car parking
Element 6	Visual and acoustic privacy

Element 1. Streetscape Character

Objectives

- To design residential housing development to complement the new streetscape and emerging neighbourhood character.
- To design residential housing in keeping with the desired future streetscape and neighbourhood character.
- To provide a mix of dwelling sizes complementing the character of the area and that accommodate for many sectors of the community.

Performance criteria The streetscape character objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
Built form P1 The frontage of buildings and their entries are readily apparent from the street.	A1.1 Buildings adjacent to the public street, address the street by having a front door facing the street. A1.2 The minimum frontage for dual occupancy developments is 25 metres.
P2 The development is to be designed to respect and reinforce the positive characteristics of the neighbourhood, including: <ul style="list-style-type: none"> • Built form. • Bulk and scale. • Vegetation. • Topography. 	A2.1 Design elements to consider include: <ul style="list-style-type: none"> • Massing and proportions. • Roof form and pitch. • Facade articulation and detailing. • Window and door proportions. • Features such as verandahs, eaves and parapets. • Building materials, patterns, textures and colours. • Decorative elements. • Vehicular footpath crossing (location and width). • Fence styles. • Building setbacks.
P3 Walls visible from the street are adequately detailed for visual interest.	A3.1 This may be achieved by recesses, windows, projections or variations of colour, texture or materials.

Performance criteria The streetscape character objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P4 Garages and parking structures (carports) are sited and detailed to ensure they do not dominate the street frontage, integrate with features of the dwelling and do not dominate views of the dwelling from the street.	A4.1 Garages or parking structures are located in line with or behind the alignment of the front façade/entrance of the dwelling.
P5 Fencing is consistent with the bushland character of the area.	A5.1 The use of Colourbond fence materials is not encouraged.
P6 Front fences enable outlook from the development to the street or open space to facilitate surveillance and safety. Front fences provide noise attenuation on classified roads. Front fences provide security in areas where there is a difference of land use (eg residential, commercial or industrial).	A6.1 Front fences have a maximum height of 1.2 metres if solid or less than 20% transparent and 1.5 metres if greater than 50% transparent. A6.2 A front fence on the secondary frontage may have a maximum height of 1.8 metres for 50% of the length of the boundary to the secondary road, which is measured from the corner splay of the primary road boundary. In addition, <ul style="list-style-type: none"> • The fence is constructed of materials which are consistent with those used in development on the site and is consistent with the bushland setting of the site. • The fence is softened with the use of landscaping.
P7 Fencing style and materials reflect the local streetscape and do not cause undue overshadowing of adjoining development.	A7.1 Side fences on corner allotments are setback and/or articulated to provide for vegetation screening to soften the visual impact of the fence. A7.2 Side fences forward of the building line are not constructed of solid metal panels or chain wire fencing (including factory pre-coloured materials).

Performance criteria The streetscape character objectives may be achieved where:		Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:	
P8	Fencing on corner allotments does not impede motorists' visibility at the intersection.	A8.1	Fencing is either splayed, setback, reduced in height or transparent to maintain visibility for motorists.
P9	Gates are designed to ensure pedestrian and motorist safety.	A9.1	Where a driveway is provided through a solid fence, adequate visibility for the driver is maintained.

Element 2. Building Setbacks

Objectives

- To ensure that the setback of a building from the property boundaries, the height and length of walls, site coverage and visual bulk are acceptable in the neighbouring setting.
- To ensure habitable rooms of dwellings and private open space within the development and in adjacent development can receive adequate sunlight, ventilation and amenity.

Performance criteria	Acceptable solutions
The building setback objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>P1 The setback of the development from the front boundary of the allotment is consistent with established setbacks, or is consistent with the desired amenity of the locality.</p> <p>Residential development on corner allotments shall address both street frontages.</p> <p>Note: The setback is measured from the property boundary to the first vertical structural element of the development. No portico, posts, etc shall be any closer than the stated setback.</p> <p>This applies to a dwelling house and any ancillary structure that is attached or detached to a dwelling house.</p>	<p>A1.1 Minimum setback of 10 metres from the front property boundary where no streetscape setback has been established.</p> <p>A1.2 The secondary (side) setback is 5 metres. Where the corner is splayed, residential development is designed accordingly.</p>
<p>P2 The setback of the development from the side and rear boundaries of the allotment is consistent with established setbacks or is consistent with the desired amenity of the locality.</p>	<p>A2.1 A minimum setback of 5 metres from the side and rear property boundary is to be provided to the residential development.</p>
<p>P3 The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from the street and integrates with features of associated dwellings.</p>	<p>A3.1 Garages and carports are setback a minimum of 10 metres from the front property boundary and in line with or behind the alignment of the front façade of the dwelling.</p>

Performance criteria The building setback objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
P4 The location of garages and carports does not diminish the attractiveness of the locality and integrates with features of associated dwellings.	A4.1 Garages and carports are setback such that they comply with the requirements of the Building Code of Australia.

Element 3. Solar Access

Objectives

- To ensure all development provides an acceptable level of solar access for occupants.
- To ensure development does not significantly impact on the solar access and amenity of adjoining and adjacent allotments.

<p>Performance criteria The solar access objectives may be achieved where:</p>	<p>Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:</p>
<p>Solar access P1 Development is designed to ensure solar access is available to habitable rooms, solar collectors (photovoltaic panels, solar hot water systems etc.) private open space and clothes drying facilities.</p>	<p>A1.1 On lots with an east/west orientation, the setback on the northern side of the lot is increased to allow for maximum solar access to habitable rooms located on the north-side of the dwelling.</p> <p>A1.2 A roof area sufficient to meet the space requirements for a solar hot water service is provided where it faces within 20° of north and receives direct sunlight between the hours of 9 am and 3 pm on 22 June.</p> <p>A1.3 Outdoor clothes drying areas are located to ensure adequate sunlight and ventilation are provided between the hours of 9 am and 3 pm on 22 June to a plane of 1 metre above the finished ground-level under the drying lines.</p>
<p>P2 The proposed development does not reduce the level of solar access currently enjoyed by adjoining or adjacent allotments.</p>	<p>A2.1 Habitable rooms of adjoining development receive a minimum of four hours solar access between the hours of 9 am and 3 pm on 22 June.</p>

Performance criteria	Acceptable solutions
The solar access objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
	A2.2 Landscaping is designed to ensure that when mature, required areas of private open space or established BBQ/ pergola areas on adjoining allotments maintain solar access on 22 June in accordance with A2.2. A2.3 The solar impact of development shall be shown with the submission of shadow diagrams taken on 22 June (winter solstice).

Element 4. Private Open Space and Landscaping

Objectives

- To provide private outdoor open space that is well-integrated with the development and is of sufficient area to meet the needs of occupants.
- To provide a pleasant, safe and attractive level of residential amenity.
- To ensure landscaping is appropriate in nature and scale for the site and the local environment.

Performance criteria The private open space and landscaping objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Private open space</p> <p>P1 Private open space is of an area and dimension facilitating its intended use.</p>	<p>A1.1 Dwelling houses and dual occupancy developments shall have a Principal Private Open Space (PPOS) area, in addition to the general Private Open Space (POS).</p> <p>A1.2 The PPOS area has a minimum area per dwelling of 30 m² and a minimum dimension of 5 metres. This area can include covered (not enclosed) outdoor entertainment areas.</p>
<p>P2 Private open space is easily accessible by the occupants of the development and provides an acceptable level of privacy.</p>	<p>A2.1 All Principal Private Open Space (PPOS) is directly accessible from the main living area.</p> <p>A2.2 All private open space is located behind the front building line and is screened to provide for the privacy of occupants and the occupants of adjoining properties.</p>
<p>P3 Landscaping is located to not impact infrastructure, development on the site or development adjoining the site.</p>	<p>A3.1 Species are selected and located taking into consideration the size of the root zone of the tree at maturity and the likelihood of potential for the tree to shed/drop material.</p> <p>A3.2 Landscape species are selected and located to ensure the amenity of adjoining and adjacent properties is not impacted.</p>

Performance criteria The private open space and landscaping objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<p>This shall ensure that inappropriate vegetation is not provided that reduces the level of solar access enjoyed by adjoining and adjacent properties and is likely to provide any safety impacts to residents.</p>
<p>P4 Landscaping activities are undertaken in an environmentally sustainable manner which limits the time and costs associated with maintenance.</p>	<p>A4.1 Existing native trees are retained where possible.</p> <p>A4.2 Species selected are suitable for the local climate.</p> <p>A4.3 Species selected require a minimal amount of watering (Waterwise Garden).</p> <p>A4.4 Landscaping does not impact ground-water levels by over watering resulting in ground-water level increases or the pollution of waters.</p> <p>A4.5 Landscaping is provided with a timed watering system and moisture meter to determine if watering is required.</p> <p>A4.6 Sensors are used to control watering systems (see also Element 9).</p>

Element 5. Vehicular access and car parking

Objectives

- To provide adequate and convenient parking for residents, visitors and service vehicles.
- To ensure street and access ways provide safe and convenient vehicle access to dwellings and can be efficiently managed.
- To avoid parking and traffic difficulties in the development and the neighbourhood.

Performance criteria The vehicular access and car parking objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Parking provision P1 Car parking is provided according to projected needs, the location of the land and the characteristics of the immediate locality.</p>	<p>A1.1 Dwelling houses and dual occupancy development provides the following vehicle parking: One bedroom dwelling – one car parking space per dwelling, situated behind the front building setback. Dwelling with two or more bedrooms – two car parking spaces per dwelling. At least one of the required spaces shall be situated behind the front building setback.</p>
<p>Design P2 Car parking facilities are designed and located to: Conveniently and safely serve users including pedestrians, cyclists and vehicles. Enable efficient use of car spaces and access ways including adequate manoeuvrability for vehicles between the street and the lot. Conform to the adopted street network hierarchy and objectives of the hierarchy and along with any related local traffic management plans. Be cost effective. Protect the streetscape.</p>	<p>A2.1 The dimensions of car spaces and access comply with AS2890.1.</p> <p>A2.2 Access ways and driveways are designed to enable vehicles to enter the designated parking space in a single turning movement and leave the space in no more than two turning movements.</p>

Performance criteria The vehicular access and car parking objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Emergency vehicle access</p> <p>P3 Standing and turning areas for service, emergency or delivery vehicles are provided where access to any dwelling from a public street is remote or difficult.</p>	<p>A3.1 Access ways are designed to cater for an 'AUSTRROADS 8.8 metre length Design Service Vehicle'.</p>

Element 6. Visual and Acoustic Privacy

Objectives

- To limit overlooking of private open space and views into neighbouring development.
- To substantially contain noise within each dwelling and to limit noise from communal areas or shared facilities affecting nearby dwellings.
- To protect internal living and sleeping areas from inappropriate levels of external noise.

Performance criteria	Acceptable solutions
The visual acoustic and privacy objectives may be achieved where:	The acceptable solutions illustrate one way of meeting the associated performance criteria:
<p>Visual privacy</p> <p>P1 Private open space and living rooms of adjacent residential accommodation are protected from direct overlooking by an appropriate layout, screening device and distance.</p> <p>Note: No screening is required if:</p> <ul style="list-style-type: none"> - Bathrooms, toilets, laundries, storage rooms or other non-habitable rooms have translucent glazing or sill heights of at least 1.5 m. - Habitable rooms having sill heights of 1.5 m or greater above floor level or translucent glazing to any window less than 1.5 m above floor level. - Habitable rooms facing a property boundary have a visual barrier of at least 1.5 m high (fences and barriers other than landscaping are not to be any higher than 1.8 m) and the floor level of the room is less than 0.6 m above the level of the ground at the boundary. 	<p>A1.1 Windows of habitable rooms with an outlook to habitable room windows in adjacent development within 10 metres:</p> <ul style="list-style-type: none"> - Are offset a minimum distance of 1 metres from the edge of the opposite window in the proposed development; - Have a sill height of 1.5 metres above floor level; - Have a fixed obscure glazing in any window pane below 1.5 metres above floor level; or - Have screens which obscure the view from habitable room windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development into private open space and/or habitable rooms of existing residential accommodation. <p>A1.2 Screens are solid, translucent or perforated panels or trellis which:</p> <ul style="list-style-type: none"> - Have a minimum of 25% openings; - Are permanent and fixed; - Are of durable materials such as galvanised steel, iodised aluminium or treated timber;

Performance criteria The visual acoustic and privacy objectives may be achieved where:	Acceptable solutions The acceptable solutions illustrate one way of meeting the associated performance criteria:
	<ul style="list-style-type: none"> - Are painted or coloured to blend in with the surrounding environment. <p>A1.3 Windows and balconies of residential accommodation shall be designed to prevent overlooking of more than 50% of the private open space of any adjoining residential accommodation.</p>
Acoustic Privacy P2 The transmission of noise to and the impact upon habitable rooms within the proposed development and adjoining and adjacent development is minimised.	<p>A2.1 Living rooms or garages of residential development does not adjoin or abut bedrooms of adjacent residential development.</p> <p>A2.2 The plumbing of residential development and is separate and contained sufficiently to prevent transmission of noise.</p> <p>A2.3 Electrical, mechanical or hydraulic equipment or plant generating a noise level no greater than 5dBA above ambient L90 sound level at the boundary of the property.</p> <p>A2.4 Dividing walls and floors between residential uses are constructed in order to comply with the requirements of Part F5 of the BCA (Class 2 and 3 buildings only).</p> <p>A2.5 Residential development is constructed to ensure habitable rooms are not exposed to noise levels in excess of the standards contained in the relevant Australian Standard(s) including AS 3671 – Road Traffic.</p>

	<p>A2.6 Residential development adjacent to the Newell Highway are to be constructed in accordance with the recommendations of a detailed Acoustic Study prepared by a suitably qualified acoustic consultant.</p>
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**CCL23/194 Dubbo Regional Council Representation to the Taronga
Conservation Society Australia Board**

Attachment 1: Letter - Taronga Conservation Society Australia -
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Taronga Zoo Sydney
Taronga Western Plains
Zoo Dubbo
Taronga Foundation
Research and
Conservation Centre
Australian Conservation
Genetics Centre
Wildlife Hospital
Australian Wildlife
Health Network
Australian Registry
of Wildlife Health
Marine Rescue Unit
Australian Marine Mammal
Research Centre
Education Centre
Training Institute
Zoo Mobile

17 July 2023

Councillor Mathew Dickerson
Mayor
Dubbo Regional Council
mayor@dubbo.nsw.gov.au

Dear Mayor Dickerson,

As you may be aware, Dubbo Regional Council (Council) is allocated one position on the Taronga Conservation Society Australia Board (the Board), which is currently held by Mr Murray Wood, Chief Executive Council of Dubbo Council, expiring on 26 September 2023. I am writing to formally seek nominations of at least two or more persons by Council to fill this position.

The Zoological Parks Board Act (the Act) requires that the Council provides at least two nominations for consideration by the NSW Minister for Environment. The Act does not provide advice on the process for identifying nominations; this is a decision made by Council. Nominations need not be exclusively Councillors and can include prominent members of the local community or citizens who in the Council's view would be appropriate for nomination and appointment to the Board.

It is also a requirement by the Minister's Office that a resume for each nominee is included with the nominations for assessment by the Assessment Panel. Nominations which fail to comply with the requirements of the Act will not be considered.

As per the *Appointment Standards: Boards and Committees in the NSW Public Sector and Department of Premier and Cabinet Boards and Committees Guidelines*, I note that Mr Wood is eligible for reappointment to the Board, should Council wish to nominate Mr Wood for consideration.

Please note that as per Taronga's Board Succession Plan, Board appointments are staggered and based on 3-year terms subject to approval by the Minister and Cabinet.

It would be appreciated if you could please send the nominations in line with the above requirements to Ms Angeli Aquino, Executive Officer via [REDACTED] by Friday 1 August 2023 to facilitate legislative and Ministerial approvals before Mr Wood's term expires on the Board.

Please do not hesitate to contact me on (02) [REDACTED] if you would like to discuss any aspect of this process.

Kind regards,

[REDACTED]

Cameron Kerr
Chief Executive
Taronga Conservation Society Australia

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ABN 41 733 619 876
www.taronga.org.au



**CCL23/195 Draft Code of Conduct Policy and Procedures for the
Administration of the Code of Conduct**

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Procedures for the Administration of the Dubbo Regional Council Code of Conduct

Date	1 October 2020 14 July 2023
Council Resolution Date	7 December 2020
Clause Number	CCL20/217
Responsible Position	Executive Manager Corporate Governance
Branch	Corporate Governance
Division	Executive Services Organisational Performance
Version	2.0
TRIM Reference Number	ED20/223202
Review Period	2 years
Review Date	September 2020 July 2023
Next Review Date	October 2022 August 2025
Consultation	Not applicable

Document Revision History	
Description	Date
Adopted by Council	8 April 2019
Document revised to accord with Office of Local Government's 'Procedures for the Administration of the Model Code of Conduct for Local Councils NSW' which was updated August 2020.	September 2020
Revised and adopted by Council	21/07/2023
Notes	

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PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
CEO	Chief Executive Officer

code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the Chief Executive Officer under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee Audit and Risk Management Committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of

	clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	referred to at Dubbo Regional Council as the Chief Executive Officer (CEO)
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	<i>the Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	<i>the Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The Chief Executive Officer (CEO) must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The CEO may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The CEO must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council

d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.

4.5 A complaint made after 3 months may only be accepted if the CEO or their delegate, or, in the case of a complaint about the CEO, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the CEO be made?

4.6 All code of conduct complaints other than those relating to the CEO are to be made to the CEO in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

4.7 Where a code of conduct complaint about a council official other than the CEO cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.8 In making a code of conduct complaint about a council official other than the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.9 The CEO or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.10 Notwithstanding clauses 4.6 and 4.7, where the CEO becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the CEO be made?

- 4.11 Code of conduct complaints about the CEO are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the CEO cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the CEO, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by CEO and mayors of their functions under this Part

- 5.1 A CEO or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the CEO or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, CEO's and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the CEO or, in the case of a complaint about the CEO, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
 - a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or

- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the CEO) to be dealt with?

- 5.4 The CEO is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The CEO must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The CEO may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the CEO decides to take no action in relation to a code of conduct complaint about a member of staff of council, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The CEO is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The CEO must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the

pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.12 The CEO may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the CEO decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the CEO resolves a code of conduct complaint under clause 5.14 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the CEO
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the CEO or any person making enquiries on behalf of the CEO must comply with the requirements of procedural fairness. In particular:
 - a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the CEO must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The CEO must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The CEO must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The CEO must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the CEO refers a complaint to the Office under clause 5.20, the CEO must notify the complainant of the referral in writing.
- 5.22 The CEO may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the CEO decides to take no action in relation to a code of conduct complaint about a councillor, the CEO must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the CEO resolves a code of conduct complaint under clause 5.24 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps

taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.26 The CEO must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the CEO to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the CEO, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the CEO, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the CEO, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.33 The mayor must refer all code of conduct complaints about the CEO, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the CEO and the mayor to be dealt with?

- 5.34 Where the CEO or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the CEO and the mayor, the CEO or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the CEO where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The CEO, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The CEO, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the CEO, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.

- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the CEO.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the CEO, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The CEO or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the CEO or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the CEO as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the CEO or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The CEO may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the CEO, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

**PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS
ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT
REVIEWERS**

Referral of code of conduct complaints about councillors or the CEO to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the CEO that have not been referred to an external agency or declined or resolved by the CEO, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the CEO or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct

reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the CEO by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the CEO or, in the case of a complaint about the CEO, the mayor, for resolution by alternative and appropriate strategies

- such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and

- b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the CEO under their contract of employment if it were to be proven, and
- c) that the matter is one that could not or should not be resolved by alternative means.

6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the CEO under their contract of employment, the conduct reviewer is to consider the following:

- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
- b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the CEO or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the CEO or to the mayor to be resolved by alternative and appropriate means, they must write to the CEO or, in the case of a complaint about the CEO, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the CEO or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The CEO or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), the CEO or, in the case of a complaint about the CEO, the mayor,

is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

- 6.30 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), the CEO, or, in the case of a complaint about the CEO, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for the council
 - n) how much time has passed since the alleged conduct occurred
 - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

**PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT
COUNCILLORS OR THE GENERAL MANAGER**

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the CEO, or, in the case of alleged conduct on the part of the CEO, to the mayor.
- 7.3 The CEO or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission

in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.

- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.

- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the CEO, or, in the case of a complaint about the CEO, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO'S contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the CEO or, where the report relates to the CEO'S conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.

- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The CEO or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The CEO must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The CEO must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CEO

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the CEO during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the CEO or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the CEO or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the CEO or their delegate.

12.5 The CEO or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the CEO or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the CEO or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



COUNCIL POLICY

CODE OF CONDUCT POLICY

Date	1 October 2020 14 July 2023
Council Resolution Date	7 December 2020 28 April 2022
Clause Number	GCL20/217 CCL22/94
Responsible Position	Executive Manager Corporate Governance
Branch	Corporate Governance
Division	Executive Services Organisational Performance
Version	2.0
TRIM Reference Number	ED20/223019
Review Period	Two (2) years
Next Review Date	October 2022 August 2025
Consultation	Not applicable

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PART 1 INTRODUCTION

This Code of Conduct is based on the Model Code of Conduct published by the Office of Local Government.

The Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) is made under section 440 of *the Local Government Act 1993* (“LGA”) and the Local Government (General) Regulation 2005 (“the Regulation”).

The Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every Council (including county Councils) and joint organisations to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A Council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and extend its application to persons that are not “Council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A Council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a Council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, Administrators, members of staff of Councils, delegates of Councils, (including members of Council committees that are delegates of a Council) and any other person a Council’s adopted code of conduct applies to, must comply with the applicable provisions of their Council’s code of conduct. It is the personal responsibility of Council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a Councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on Councillors for

misconduct, including suspension or disqualification from civic office. A Councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a Council's code of conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
Administrator	an Administrator of a Council appointed under the LGA other than an Administrator appointed under section 66
committee	see the definition of "Council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
Council committee	a committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to and the Council's audit, risk and improvement committee.
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee other than a wholly advisory committee, an a person other than a Councillor who is a member of the Council's audit, risk and improvement committee Audit and Risk Management Committee
Council official	includes Councillors, members of staff of a Council, Administrators, Council committee members, delegates of Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor

conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
wholly advisory committee	a Council committee that the Council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the Council or other Council officials into disrepute
 - b) is contrary to statutory requirements or the Council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status) sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity, or intersex status or political, religious or other affiliation.

- 3.7 For the purposes of this code, “harassment” is any form of behaviour towards a person that:
- is not wanted by the person
 - offends, humiliates or intimidates the person, and
 - creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
 - belittling or humiliating comments
 - spreading malicious rumours
 - teasing, practical jokes or ‘initiation ceremonies’
 - exclusion from work-related events
 - unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
 - displaying offensive material
 - pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- performance management processes
 - disciplinary action for misconduct
 - informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - directing a worker to perform duties in keeping with their job
 - maintaining reasonable workplace goals and standards
 - legitimately exercising a regulatory function
 - legitimately implementing a Council policy or administrative processes.

Work health and safety

- 3.12 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the Council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
 - e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.
- 3.16 For the purposes of clause 3.16, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.
- 3.17 Clause 3.16 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.
- 3.18 Clause 3.16 does not apply to a decision to elect the Mayor or deputy Mayor, or to nominate a person to be a member of a Council committee or a representative of the Council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at Council and committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a committee of the Council. Without limiting this clause, you must not:
- a) leave a meeting of the Council or a committee for the purposes of depriving the meeting of a quorum, or

- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a) your interest, or
 - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs i) and ii).
 - b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b) just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or
 - c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge
 - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) if you are a Council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the Council committee
 - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h) an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a

- member (but not a member of the committee) of the association, or is a partner of the partnership
- i) an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i) the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
 - j) an interest relating to the payment of fees to Councillors (including the Mayor and deputy Mayor)
 - k) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and deputy Mayor) in accordance with a policy under section 252 of the LGA,
 - l) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor
 - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or a Council committee member
 - o) an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) the Chief Executive Officer
 - b) other senior staff of the Council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and

who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

- d) a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the Chief Executive Officer (or if the person is the Chief Executive Officer, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council staff other than designated persons?

4.14 A member of staff of Council, other than a designated person, must disclose in writing to their manager or the Chief Executive Officer the

nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

- 4.15 The staff member's manager or the Chief Executive Officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council advisers?

- 4.16 A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a Council committee member?

- 4.18 A Council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "Council committee member" includes a member of staff of Council who is a member of the committee.

What disclosures must be made by a Councillor?

- 4.20 A Councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A Councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a Councillor or designated person, and

- b) 30 June of each year, and
 - c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a Councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.
- 4.25 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

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

- 4.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of the Council or committee:
- a) at any time during which the matter is being considered or discussed by the Council or committee, or
 - b) at any time during which the Council or committee is voting on any question in relation to the matter.
- 4.30 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.
- 4.31 A general notice may be given to the Chief Executive Officer in writing by a Councillor or a Council committee member to the effect that the Councillor or Council committee member, or the Councillor's or Council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's or Council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.
- Notwithstanding this notice, a Councillor or committee member must still declare this interest during the relevant section of the respective meeting detailing the reason for their interest.
- 4.32 A Councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.33 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

- 4.34 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.35 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
 - b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the Councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.36 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.37 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.38 A Councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter

and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's

manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the Mayor.

- 5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of Council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Mayor.
- 5.13 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the Council committee.

Political donations

- 5.15 Councillors should be aware that matters before Council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

- 5.16 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before Council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and

- c) the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a Councillor or committee member from complying with a requirement under this Part under clause 5.21, the Councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their written approval for the staff member to engage in the employment, work or business.

5.25 The Chief Executive Officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.

- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or Council resources obtained through their work with the Council including where private use is permitted
 - c) require them to work while on Council duty
 - d) discredit or disadvantage the Council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with Council

- 5.28 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or

- enjoyment of any individual Council official or someone personally associated with them,
- c) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) Council functions or events
 - v) social functions organised by groups, such as Council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where your attendance at an event (including conferences, workshops, meetings) is in the capacity of representing Council.
 - g) accept any gift, benefit or prizes where your attendance at an event (including conferences, workshops, meetings) is in the capacity of representing Council.
 - h) personally benefit from reward points programs when purchasing on behalf of the Council.
- 6.6 Where you receive, or are offered, a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the Chief Executive Officer in writing. The recipient, manager, or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the Council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 Dubbo Regional Council has adopted a policy that does not allow for the acceptance of any gift or benefit, unless rare and extenuating circumstances present or refusal may offend. On such an occasion, gifts that do not exceed \$50 in value are to be immediately surrendered in accordance with clause 6.7 unless approved by the Chief Executive Officer.

Gifts and benefits of more than token value

Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

- 6.9 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate

hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.10 Where you have accepted a gift or benefit of token value from a person or organisation subject to clause 6.8, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.11 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.12 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.13 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the proper exercise of their role as prescribed under the LGA.
- 6.14 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and Administrators

Each Council is a body politic. The Councillors or Administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

- 7.1 Councillors or Administrators must not:
- a) direct Council staff other than by giving appropriate direction to the Chief Executive Officer by way of Council or Committee resolution, or by the Mayor or Administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the Chief Executive Officer
 - d) contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor or Administrator exercising their functions under section 226 of the LGA.
- 7.2 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.3 Under section 335 of the LGA, the role of the Chief Executive Officer includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Mayor and other Councillors are given

timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

- 7.4 Members of staff of Council must:
- a) give their attention to the business of the Council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.5 You must not engage in any of the following inappropriate interactions:
- a) Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) Council staff approaching Councillors and Administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
 - d) Councillors and Administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
 - e) Councillors and Administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor or Administrator has a right to be heard by the panel at the meeting
 - f) Councillors and Administrators being overbearing or threatening to Council staff
 - g) Council staff being overbearing or threatening to Councillors or Administrators
 - h) Councillors or Administrators making personal statements or attacks on Council staff or engaging in conduct towards staff that would be

- contrary to the general conduct provisions in Part 3 of this code in public forums, including social media
- i) Council staff making personal statements or attacks on Councillors or Administrators or engaging in conduct towards Councillors or Administrators that would be contrary to the general conduct provisions in Part 3 of this code in public forums, including social media
 - j) Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
 - k) Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - l) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
 - m) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's Chief Executive Officer or, in the case of the Mayor or Administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and Administrator access to information

- 8.1 The Chief Executive Officer is responsible for ensuring that Councillors and Administrators can access information necessary for the performance of their official functions. The Chief Executive Officer and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The Chief Executive Officer must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.

- 8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Councillors and Administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

Councillors and Administrators to properly examine and consider information

- 8.7 Councillors and Administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the Chief Executive Officer or public officer determines, to refuse access to information requested by a Councillor or Administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or Administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of certain Council information

- 8.9 In regard to information obtained in your capacity as a Council official, you must:
- a) subject to clause 8.14, only access Council information needed for Council business

- b) not use that Council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council
- d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of Council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the Council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of Council resources

- 8.13 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

- 8.20 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the Council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to Council buildings

- 8.25 Councillors and Administrators are entitled to have access to the Council chamber, committee room, Mayor's office (subject to availability) and public areas of Council's buildings during normal business hours and for meetings. Access during business hours must be co-ordinated through the Chief Executive Officer to ensure that the required facilities are available. Councillors and Administrators needing access to these facilities at other times must obtain authority from the Chief Executive Officer.
- 8.26 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer (or their

delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.

- 8.27 Councillors and Administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another Council official
 - b) to damage another Council official's reputation
 - c) to obtain a political advantage
 - d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under

the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a Councillor, the Chief Executive Officer or an Administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

- 9.15 Complaints alleging a breach of this Part by other Council officials are to be managed by the Chief Executive Officer in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a Councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs b) and c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the Councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or Administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
- b) the dates on which the travel was undertaken, and
- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a Councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and

- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
 - i) a description of the occupation, and

- ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.
30. A fee paid to a Councillor or to the Mayor or deputy Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and

- ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph a), the debt was discharged prior to the person becoming a Councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by Councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the Chief Executive Officer after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the Chief Executive Officer and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the Chief Executive Officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the Chief Executive Officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the Chief Executive Officer in a register of returns. The Chief Executive Officer is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of Councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[Councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June	Nature of any	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a Councillor has in the Councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the Council or Council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to

inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of Councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of Council or Council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the Councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the Councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The Councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the Councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the Councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a Councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on Councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the Council's Chief Executive Officer and included in full in the minutes of the meeting]

CCL23/196 Draft Council Policy - Code of Meeting Practice

Attachment 1: Draft Council Policy - Code of Meeting Practice 329



Code of Meeting Practice

Date July 2023

Council Resolution Date

Clause Number

Responsible Position Manager Corporate Governance

Branch Corporate Governance

Division Organisational Performance

Version 5

TRIM Reference Number

Review Period Within 12 months of new Term of Council or when the Model Code of Meeting Practice is updated by the Office of Local Government NSW.

Review Date November 2024

Consultation Councillor Workshop
Public Exhibition prior to adoption

Document Revision History	
Description	Date
Amended and adopted by Council following merger between former Dubbo City and Wellington Councils	July 2016
Amended to include provision for web streaming of Council and Standing Committee meetings	October 2017
Amended to reflect position title change from General Manager to Chief Executive Officer	May 2018
Adopted by Council following workshop and Public Exhibition	July 2019
Submitted to Council for adoption following minor changes (see notes)	October 2021
Adopted by Council following workshop and Public Exhibition after 2021 Local Government Elections	April 2022
Submitted to Council for adoption following minor changes	July 2023
Notes	
Amendments made for new Term of Council to reflect updated Model Code of Meeting Practice.	

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1. INTRODUCTION

PURPOSE

A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

BACKGROUND AND RELATED LEGISLATION

The Model Code of Meeting Practice for Local Councils in NSW (the Model Code) is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting, but may also include non-mandatory and other supplementary provisions of the Model Code providing that it does not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

This Code of Meeting Practice has been publically exhibited in accordance with the Act and adopted by the Council.

SCOPE

This Code applies to all meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council). These Committees include the Committee of the Whole; the Infrastructure, Planning and Environment Committee; the Culture and Community Committee; and the Corporate Services Committee. Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

DEFINITIONS

To assist in interpretation, the following definitions apply:

Term	Definition
The Act	<i>The Local Government Act 1993.</i>
Act of disorder	An act of disorder is defined in clause 15.11 of this code.
Amendment	In relation to an original motion, means a motion moving and amendment to that motion.
Audio recorder	Any device capable of recording speech.
Audio-visual link	means a facility that enables audio and visual communication between persons at different places
Business day	Any day except Saturday or Sunday or any other day the whole or part of which is observed a public holiday throughout NSW.
Chairperson	In relation to a meeting of the council, the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code; and in relation to a meeting of a committee, the person presiding at the meeting as provided by clause 20.11 of this code.

This code	Council's adopted Code of Meeting Practice.
Committee of the Council	A committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1.
Council official	Has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
Day	Calendar day.
Division	A request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
Foreshadowed amendment	A proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment.
Foreshadowed motion	A motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion.
MCOMP	NSW Government Model Code of Meeting Practice for Local Councils in NSW 2021.
Open voting	Voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
Planning decision	A decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
Performance Improvement Order	An order issued under Section 438A of the Act.
Quorum	The minimum number of councillors or committee members necessary to conduct a meeting.
The Regulation	<i>The Local Government (General) Regulation 2021.</i>
Webcast	A video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time.
Year	The period beginning 1 July and ending the following 30 June.

RESPONSIBILITIES

A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

POLICY

See next page for Dubbo Regional Council's Code of Meeting Practice.

2. MEETING PRINCIPLES

(MCOMP Mandatory Provision 2.1)

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. BEFORE THE MEETING

Timing of Ordinary Council Meetings

(MCOMP Mandatory Provisions 3.1 - 3.2)

3.1 The time, date and place of Ordinary meetings will be determined during the Ordinary meeting of Council held each September for the ensuing year, unless it is a Local Government election year in which case the Ordinary meeting dates will be determined in October for the ensuing year.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary Meetings

(MCOMP Mandatory Provision 3.3)

3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the Public of Council Meetings

(MCOMP Mandatory Provisions 3.4-3.6)

3.3 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of Committees of the Council.

Note: Clause 3.3 reflects section 9(1) of the Act.

3.4 For the purposes of clause 3.3, notice of a meeting of the Council and of a Committee of council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council Meetings

(MCOMP Mandatory Provisions 3.7 - 3.8)

3.6 The Chief Executive Officer must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.6 reflects section 367(1) of the Act.

3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.7 reflects section 367(3) of the Act.

Notice to Councillors of Extraordinary Meetings

(MCOMP Mandatory Provision 3.9)

3.8 Notice of less than three (3) days may be given to Councillors of an Extraordinary meeting of the Council in cases of emergency.

Note: Clause 3.8 reflects section 367(2) of the Act.

Giving Notice of Business to be Considered at Council Meetings

*(MCOMP Mandatory Provisions 3.10-3.11
MCOMP Non-mandatory Provisions 3.12-3.13)*

3.9 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~at~~ **eight business days before the meeting is to be held.**

3.10 A Councillor may, in writing to the Chief Executive Officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered. If a Councillor who has submitted a notice of motion under this clause wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

3.11 A notice of motion lodged with Council must request the Chief Executive Officer to prepare a report on the subject of the notice of motion for a future meeting of Council that addresses the legal, strategic, financial or policy implications of the proposed motion.

3.12 A notice of motion for the expenditure of funds on works and/or

services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the Chief Executive Officer must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions With Notice

(MCOMP Mandatory Provisions 3.14-3.16)

3.13 A Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of the Council.

3.14 A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the Chief Executive Officer or a member of staff of the Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the Council.

3.15 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and Business Papers for Ordinary Meetings

(MCOMP Mandatory Provision 3.17-3.22)

3.16 The Chief Executive Officer must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

3.17 The Chief Executive Officer must ensure that the agenda for an Ordinary meeting of the Council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and

(b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

(c) all matters, including matters that are the subject of staff reports and reports of Committees, to be considered at the meeting, and

(d) any business of which due notice has been given under clause 3.9.

3.18 Nothing in clause 3.17 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.

3.19 Nothing in clause 3.17 limits the powers of the Chief Executive Officer to table a report at a meeting under clause 3.20.

3.20 Subject to clause 3.21, the Chief Executive Officer may, by report signed by the Chief Executive Officer, put to the meeting, in writing, without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

3.21 Any report put to the meeting under clause 3.20 must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of

their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

3.22 The Chief Executive Officer must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

3.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.23 reflects section 9(2A)(a) of the Act.

3.24 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Statement of Ethical Obligations*(MCOMP Mandatory Provision 3.23)*

3.25 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the Agenda and Business Papers to the Public*(MCOMP Mandatory Provision 3.24-3.27)*

3.26 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and Committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

Note: Clause 3.26 reflects section 9(2) and (4) of the Act.

3.27 Clause 3.26 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.27 reflects section 9(2A) (b) of the Act.

3.28 For the purposes of clause 3.26, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

Note: Clause 3.28 reflects section 9(3) of the Act.

3.29 A copy of an agenda, or of an associated business paper made available under clause 3.26, may in addition be given or made available in electronic form.

Note: Clause 3.29 reflects section 9(5) of the Act.

Agenda and Business Papers for Extraordinary Meetings*(MCOMP Mandatory Provisions 3.28-3.32)*

3.30 The Chief Executive Officer must ensure that the agenda for an Extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

3.31 Despite clause 3.30, business may be considered at an Extraordinary meeting of the Council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

3.32 A motion moved under clause 3.31(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.33 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.31(a) can speak to the motion before it is put.

3.34 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.31(b) on whether a matter is of great urgency.

Pre-meeting Briefing Sessions

(MCOMP Non-mandatory Provision 3.33-3.38)

3.35 Prior to each Ordinary meeting of the Council, the Chief Executive Officer may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for Extraordinary meetings of the Council and meetings of Committees of the Council.

3.36 Pre-meeting briefing sessions are to be held in the absence of the public.

3.37 Pre-meeting briefing sessions may be held by audio-visual link.

3.38 The Chief Executive Officer or a member of staff nominated by the Chief Executive Officer is to preside at pre-meeting briefing sessions.

3.39 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.

3.40 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

3.41 A record of minutes will be taken in pre-meeting briefings including the items discussed, attendees at the

meetings, timings and conflicts of interest as detailed in clause 3.40.

4. PUBLIC FORUMS

(MCOMP Non-mandatory Provision 4.1-4.24)

4.1 The Council will hold a public forum during each Ordinary and Extraordinary meeting of the Council for the purpose of hearing oral submissions from members of the public.

4.2 Public forums may be held by audio-visual link.

4.3 Public Forum is limited to a maximum period of thirty (30) minutes and shall be held following "Apologies" on the Council agenda. Should there remain time following speakers who have previously nominated, the Mayor will enquire of the Public Gallery if there are any other speakers.

Should the number of nominated speakers exceed the thirty (30) minute time frame, a decision by Council may extend the time frame for Public Forum by a length of time nominated by the mover of the motion.

4.4 Members of the public wishing to discuss items of business listed on the business paper will be given preference over those wishing to discuss matters that are not included on the agenda to be considered at the meeting.

4.5 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received at least two (2) hours prior to the commencement of the public forum, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item, where applicable. Any material for distribution to the Council must be submitted with the application for approval by the Chief Executive Officer.

4.6 A person may apply to speak on more than one item however the total time that person speaks for must not exceed five (5) minutes.

4.7 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.8 The Chief Executive Officer or their delegate may refuse an application to speak at a public forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application and advise the chairperson prior to the respective public forum session.

4.9 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.

4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the first two (2) speakers to register interest to speak on that item shall be permitted to speak to the item.

4.11 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may, in consultation with the Mayor or the chairperson as the case may be, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business. Additional speakers shall speak once all

registered speakers have spoken and will only be permitted provided that the maximum time for public forum of thirty (30) minutes is not exceeded.

4.12 Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no less than one (1) business day before the public forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented should the request be unreasonable and the equipment not being readily available.

4.13 The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum. This will usually be determined by the order in which the requests are received.

4.14 Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the chairperson.

4.15 Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard and will be requested to return to their seat.

4.16 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.

4.17 Speakers at public forums **cannot** ask questions of the Council, Councillors, or Council staff.

4.18 The Chief Executive Officer or their nominee may, with the concurrence of the chairperson, address the Council for up to two (2) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.

4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the Chief Executive Officer may recommend to the chairperson that the Council defer consideration of the matter pending the preparation of a further report on the matters.

4.20 When addressing the Council, speakers at public forums must comply with this code and all other relevant Council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct, or making other potentially defamatory statements.

4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the Chief Executive Officer or their delegate may refuse further applications

from that person to speak at public forums for a period of six (6) months. Should this speaker repeat this conduct following this suspension at a further public forum session, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums for a period of twelve (12) months. Should this speaker repeat this conduct following this second suspension at a further public forum session, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums indefinitely.

4.24 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so during the remainder of a Council or Committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

4.25 Where an address relates to an issue of general interest (that is a matter not listed on the agenda), it cannot be debated by Council except where in accordance with clause 9.3 of this code:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

4.26 Speakers must conduct themselves with respect to Council and observe the rules of order and meeting procedure as contained in Council's Code of Meeting Practice. As part of Public Forum, the

Mayor shall ensure the conduct of public forum is such that presenters:

- confine their presentation to a statement of facts
- not insult or make personal reflections or impute improper motives to any Councillor or member of staff
- not say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt
- allow other speakers to put their views without interruption.

4.27 Any potential tenderer (being a person or entity, including their agent, employee or representative, that has requested documents or information regarding a tender or quotation) must not be permitted to address a meeting of Council (including any Committee or Working Party of Council) regarding the relevant tender or quotation without the prior written consent of the Chief Executive Officer.

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

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

4.28 It is Council's practice that members of the public who have an interest in matters before Council's standing committees (Infrastructure, Planning and Environment Committee;

Culture and Community Committee or Corporate Services Committee) are advised that they may attend and address those committees. This practice is more informal and there is often interaction, questions, or discussions between those persons and the Councillors and staff. This informality has been at the discretion of the Chairperson, noting that only those matters listed on the Committee's agenda will be discussed; matters of "general interest" are not to be raised by the public.

There is no specific agenda item for Public Forum during Committee meetings, but registered speakers will address the Council immediately prior to the subject matter on the agenda.

5. COMING TOGETHER

Attendance by Councillors at Meetings

(MCOMP Mandatory Provisions 5.1 – 5.8)

5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A Councillor cannot participate in a meeting of the Council or of a Committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

5.3 Where a Councillor is unable to attend one or more Ordinary meetings of the Council, the Councillor should formally request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

Note: The making an apology by a Councillor is to be done in writing to the Chief Executive Officer at least one (1) hour prior to the commencement of a meeting who will notify the Mayor, or chairperson prior to the commencement of a meeting. An apology will not be recorded for an absent Councillor who has not provided formal notification.

5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

5.6 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1) (d) of the Act.

5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two (2) days' notice of their intention to attend.

The Quorum for a Meeting

(MCOMP Mandatory Provisions 5.9 – 5.13

Non-mandatory Provisions 5.14-5.16)

5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

Note: Clause 5.9 reflects section 368(2) of the Act.

5.10 A meeting of the Council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or

(b) within half an hour after the time designated for the holding of the meeting, or

(c) at any time during the meeting.

5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:

(a) by the chairperson, or

(b) in the chairperson's absence, by the majority of the councillors present, or

(c) failing that, by the Chief Executive Officer.

5.12 The Chief Executive Officer must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to

the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.2.

Meetings Held Via Audi-Visual Link

(MCOMP Non-Mandatory Provisions 5.16 – 5.18)

5.15 A meeting of the Council or a Committee of the Council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the Chief Executive Officer and, as far as is practicable, with each councillor.

5.16 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the Chief Executive Officer must:

(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and

(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

(c) cause a notice to be published on the council's website and in such other manner the Chief Executive Officer is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by Councillors at Meetings by Audi-Visual Link

(MCOMP Non-Mandatory Provisions 5.19 – 5.30)

5.18 Councillors may attend and participate in meetings of the Council and Committees of the council by audio-visual link with the approval of the Council or the relevant Committee.

5.19 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer prior to the meeting in question and must provide reasons why the Councillor will be prevented from attending the meeting in person.

5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a Councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.

5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

5.22 A Councillor who has requested approval to attend a meeting of the Council or a Committee of the Council by audio-visual link may participate in the meeting by audio-visual link until the

Council or Committee determines whether to approve their request and is to be taken as present at the meeting. The Councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.23 A decision whether to approve a request by a Councillor to attend a meeting of the Council or a Committee of the Council by audio-visual link must be made by a resolution of the Council or the Committee concerned. The resolution must state:

(a) the meetings the resolution applies to, and

(b) the reason why the Councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

5.24 If the Council or Committee refuses a Councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.25 A decision whether to approve a Councillor's request to attend a meeting by audio-visual link is at the Council's or the relevant Committee's discretion. The Council and Committees of the Council must act reasonably when considering requests by Councillors to attend meetings by audio-visual link. However, the Council and Committees of the Council are under no obligation to approve a Councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the Councillor to attend the meeting by these means.

5.26 The Council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they

have attended a meeting of the council or a committee of the council by audio-visual link.

5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the Public to Attend Council Meetings

(MCOMP Mandatory Provisions 5.31 – 5.33)

5.30 Everyone is entitled to attend a meeting of the Council and Committees of the Council. The Council must ensure that all meetings of the Council and Committees of the Council are open to the public.

Note: Clause 5.30 reflects section 10(1) of the Act. Committees of the Council in this context refers to standing committees where all Councillors are members.

5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.32 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a Committee of the Council if expelled from the meeting:

(a) by a resolution of the meeting, or

(b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.32 reflects section 10(2) of the Act.

Note: clause 15.14 confers a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of Meetings

(MCOMP Mandatory Provisions 5.34 – 5.39)

5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

These meetings shall be webcast as an audio-visual live stream with a copy of the stream being retained on Council's website for a minimum period of 6 months.

5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and

(b) persons attending the meeting should refrain from making any defamatory statements.

5.35 The recording of a meeting is to be made publicly available on the council's website:

(a) at the same time as the meeting is taking place, or

(b) as soon as practicable after the meeting

5.36 The recording of a meeting is to be made publicly available on the council's website for at least twelve (12) months after the meeting.

5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clause 5.33 – 5.37 reflect section 236 of the Regulation.

5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the Chief Executive Officer and Other Staff at Meetings

(MCOMP Mandatory Provisions 5.40 – 5.43 and Non-Mandatory Provision 5.44)

5.39 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.

Note: Clause 5.39 reflects section 376(1) of the Act.

5.40 The Chief Executive Officer is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

Note: Clause 5.40 reflects section 376(2) of the Act.

5.41 The Chief Executive Officer may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer.

Note: Clause 5.41 reflects section 376(3) of the Act.

5.42 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.

5.43 The Chief Executive Officer and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the Chief Executive Officer.

6. THE CHAIRPERSON

The Chairperson at Meetings

(MCOMP Mandatory Provisions 6.1 – 6.2)

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

(MCOMP Mandatory Provisions 6.3 – 6.8)

6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

(a) by the Chief Executive Officer or, in their absence, an employee of the Council designated by the Chief Executive Officer to conduct the election, or

(b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer nor a designated employee is present at the meeting, or if there is no Chief Executive Officer or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to Have Precedence

(MCOMP Mandatory Provisions 6.9)

6.9 When the chairperson rises or speaks during a meeting of the Council:

(a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

(MCOMP Non-Mandatory Provisions 7.1 – 7.4)

7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.3 A Councillor is to be addressed as 'Councillor [surname]'.

7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname] or their position title.

7.5 During a meeting of the Council, all Councillors with the exception of the chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

(MCOMP Mandatory Provisions 8.1/8.2 – 8.4)

8.1 The general order of business for an ordinary meeting of the council shall be:

- 01 Opening meeting
- 02 Prayer
- 03 Welcome to Country or Acknowledgement of Country
- 04 Apologies and applications for a leave of absence or attendance by audio-visual link by Councillors
- 05 Conflicts of Interest
- 06 Public Forum
- 07 Confirmation of Minutes
- 08 Mayoral minute(s)
- 10 Procedural Matters
- 11 Information Only Matters
- 12 Petitions
- 13 Matters Considered by Committees
- 14 Notices of Motion/ Notices of Motion of Rescission
- 15 Delegates' Reports
- 16 Reports from Staff
- 17 Questions on Notice
- 18 Comments and Matters of Urgency
- 19 Confidential matters
- 20 Conclusion of the meeting

8.2 The order of business as fixed under 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

8.4 With regard to the lodgement of petitions:

- (a) Petitions must be lodged in the format as specified in the Petitions Policy
- (b) Petitions may be lodged at a Council meeting however they are not to

be considered or debated unless a resolution of Council is passed to transact the business of the meeting and the chairperson rules it as a matter of urgency in accordance with clause 9.3.

(c) Petitions lodged with Council will be presented to Council for consideration at the next available Ordinary meeting of Council where the agenda has not already been determined.

8.5 (a) Questions on Notice must be lodged in writing with the Chief Executive Officer no later than 5pm five business days prior to the scheduled Ordinary Meeting of the Council.

(b) Questions on Notice must directly relate to the business of the Council and must put every such question directly, succinctly and without argument, in accordance with clause 9.18.

9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be Dealt with at a Council Meeting

(MCOMP Mandatory Provisions 9.1 – 9.5)

9.1 The Council must not consider business at a meeting of the Council:

(a) unless a Councillor has given notice of the business, as required by clause 3.10, and

(b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an Ordinary meeting or clause 3.9 in the case of an Extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the Council, or

(b) is the election of a chairperson to preside at the meeting, or

(c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or

(d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a Committee of the Council.

9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

9.4 A motion moved under clause 9.3(a) can be moved without notice.

Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

*(MCOMP Mandatory Provisions 9.6 – 9.9
Non-mandatory Provision 9.10)*

9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting, in writing, without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.

9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.

9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must

identify the source of funding for the expenditure that is the subject of the recommendation.

If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Staff Reports

(MCOMP Mandatory Provision 9.11)

9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of Committees of Council

(MCOMP Mandatory Provisions 9.12 – 9.13)

9.12 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.

9.13 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

(MCOMP Mandatory Provisions 9.14 – 9.19)

9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.13.

9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.

9.16 A Councillor may, through the Chief Executive Officer, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.

9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council or before the next meeting of Council with the response being circulated to all Councillors.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10. RULES OF DEBATE

Motions to be Seconded

(MCOMP Mandatory Provision 10.1)

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of Motion

(MCOMP Mandatory Provisions 10.2 – 10.4)

10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the council:

(a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or

(b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's Duties With Respect to Motions

(MCOMP Mandatory Provisions 10.5 – 10.8)

10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions Requiring the Expenditure of Funds

(MCOMP Non-Mandatory Provision 10.9)

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

Amendments to motions

(MCOMP Mandatory Provisions 10.10 – 10.16)

10.10 An amendment to a motion must be moved and seconded before it can be debated.

10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.

10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed Motions

(MCOMP Mandatory Provisions 10.17 – 10.19)

10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the

previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the Number and Duration of Speeches

(MCOMP Mandatory Provisions 10.20 – 10.30)

10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

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

10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

10.24 Despite clause 10.22, the Council may resolve to shorten the duration of

speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:

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

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

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

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

10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11. VOTING

Voting Entitlements of Councillors

(MCOMP Mandatory Provisions 11.1 – 11.3)

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council Meetings

*(MCOMP Mandatory Provisions 11.5 – 11.10
Non-mandatory Provision 11.11)*

11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 If a Councillor votes against a motion put at a Council meeting, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes as if a division had been called.

11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.

11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on Planning Decisions

(MCOMP Mandatory Provisions 11.12 – 11.15)

11.11 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

11.12 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

11.13 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.14 Clauses 11.11–11.13 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.14 reflect section 375A of the Act.

Note: The requirements of clause 11.11 may be satisfied by maintaining a register of the minutes of each planning decision.

12. COMMITTEE OF THE WHOLE

(MCOMP Mandatory Provisions 12.1 – 12.4)

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

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, is responsible for reporting to the Council the proceedings of the Committee of the Whole. It is not necessary to report the proceedings in full, but any recommendations of the Committee must be reported.

12.4 The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

13. DEALING WITH ITEMS BY EXCEPTION

(MCOMP Non-mandatory Provisions 13.1 – 13.7)

13.1 The Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the Council or Committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The Council or Committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or Committee must resolve to alter the order of business in accordance with clause 8.2.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

(MCOMP Mandatory Provisions 14.1 – 14.2)

14.1 The Council or a Committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than Councillors),

(b) the personal hardship of any resident or ratepayer,

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

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the Council, or

(iii) reveal a trade secret,

(e) information that would, if disclosed, prejudice the maintenance of law,

(f) matters affecting the security of the Council, Councillors, Council staff or Council property,

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the Council's Code of Conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The Council or a Committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be Considered when Closing Meetings to the Public

(MCOMP Mandatory Provisions 14.3 – 14.7)

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

(a) are substantial issues relating to a matter in which the Council or Committee is involved, and

(b) are clearly identified in the advice, and

(c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) a person may misinterpret or misunderstand the discussion, or

(b) the discussion of the matter may:

(i) cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or

(ii) cause a loss of confidence in the Council or Committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of Likelihood of Closure Not Required in Urgent Cases

(MCOMP Mandatory Provision 14.8)

14.8 Part of a meeting of the Council, or of a Committee of the Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter

that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

(b) the Council or Committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:

(i) should not be deferred (because of the urgency of the matter), and

(ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by Members of the Public

(MCOMP Mandatory Provisions 14.9-14.17)

14.9 The Council, or a Committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by Council no less than two (2) hours before the meeting at which the matter is to be considered.

14.12 The Chief Executive Officer (or their delegate) may refuse an application made under clause 14.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than three (3) speakers are to be permitted to make representations under clause 14.9 and each speaker shall be allowed a maximum of two (2) minutes to make representations to the Council.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the Chief Executive Officer or their delegate is to determine who will make representations to the Council.

14.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.

14.16 Where the Council or a Committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three (3) speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed two (2) minutes to make representations, and

this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of Non-councillors from Meetings Closed to the Public

(MCOMP Mandatory Provisions 14.18 - 4.19)

14.18 If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of Councillors Attending Meetings by Audio-Visual Link

(MCOMP Non-Mandatory Provision 14.20)

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be Disclosed in Resolutions Closing Meetings to the Public

(MCOMP Mandatory Provision 14.21)

14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) the relevant provision of section 10A(2) of the Act,

(b) the matter that is to be discussed during the closed part of the meeting,

(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions Passed at Closed Meetings to be Made Public

(MCOMP Mandatory Provisions 14.22 – 14.23)

14.22 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.23 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15. KEEPING ORDER AT MEETINGS

Points of Order

(MCOMP Mandatory Provisions 15.1 – 15.3)

15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of Order

(MCOMP Mandatory Provisions 15.4 – 15.7)

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

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

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

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

Motions of Dissent

(MCOMP Mandatory Provisions 15.8 – 15.10)

15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

15.1 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of Disorder

(MCOMP Mandatory Provisions 15.11 – 15.12)

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

(a) contravenes the Act, the Regulation or this code, or

(b) assaults or threatens to assault another Councillor or person present at the meeting, or

(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the Committee, or addresses or attempts to address the Council or the Committee on such a motion, amendment or matter, or

(d) insults, makes unfavourable personal remarks about or imputes improper motives to any other Council

official, or alleges a breach of the Council's Code of Conduct, or

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

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a Councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b) or (e), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How Disorder at a Meeting may be Dealt With

(MCOMP Mandatory Provision 15.13)

15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from Meetings

*(MCOMP Non-mandatory Provision 15.14 - 15.16
Mandatory Provisions 15.17 - 15.20)*

15.14 All chairpersons of meetings of the Council and Committees of the Council are authorised under this code to expel any person other than a Councillor, from a

Council or Committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.

15.15 Clause 15.14 does not limit the ability of the Council or a Committee of the Council to resolve to expel a person, including a Councillor, from a Council or Committee meeting, under section 10(2)(a) of the Act.

15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation.

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

15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

How Disorder by Councillors Attending Meetings by Audio-Visual Link May be Dealt With

(MCOMP Non-Mandatory Provisions 15.21 – 15.22)

15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of Mobile Phones and the Unauthorised Recording of Meetings

(MCOMP Mandatory Provisions 15.23 – 15.26)

15.22 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and Committees of the Council.

15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.

15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the

meeting as provided for under section 10(2) of the Act.

15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16. CONFLICTS OF INTEREST

(MCOMP Mandatory Provision 16.1

Non-Mandatory Provision 16.2)

16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and Committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's Code of Conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17. DECISIONS OF THE COUNCIL

Council Decisions

(MCOMP Mandatory Provisions 17.1 – 17.2)

17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

Note: Clause 17.1 reflects section 371 of the Act.

17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or Altering Council Decisions

(MCOMP Mandatory Provisions 17.3 – 17.9 and 17.11

Non-mandatory Provisions 17.10 and 17.12 – 17.14)

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the

resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.

17.10 Where a Councillor intends to move a notice of motion to alter or rescind a resolution relating to a development application, the Councillor must advise the Chief Executive Officer their intent to do so immediately following the adoption of the motion and the notice of motion to alter or rescind a resolution must be submitted to the Chief Executive Officer no later than 48 hours after the completion of the meeting at which the resolution was adopted. This will allow the Council to delay the formal approval of the development application until the matter is finalised.

17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three Councillors is submitted to the chairperson, and

(b) a motion to have the motion considered at the meeting is passed, and

(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

17.15 Where a Councillor has indicated that they wish to submit a notice of motion under 17.12(a), the chairperson must adjourn the meeting for five (5) minutes to allow the preparation of the notice of motion.

Recommitting Resolutions to Correct an Error

(MCOMP Non-mandatory Provisions 17.15 – 17.20)

17.16 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the council's resolution, or

(b) to confirm the voting on the resolution.

17.17 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.16(a), the Councillor is to propose alternative wording for the resolution.

17.18 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.16(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.19 A motion moved under clause 17.16 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.16 can speak to the motion before it is put.

17.20 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.16.

17.21 A motion moved under clause 17.16 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. TIME LIMITS ON COUNCIL MEETINGS

(MCOMP Non-mandatory Provisions 18.1 – 18.5)

18.1 There are no time limits imposed on Council or Committee meetings however the chairperson may adjourn a meeting of Council or Committee if required due to the meeting not completing in a reasonable timeframe, following the moving and adoption of a motion to do so.

19. AFTER THE MEETING

Minutes of Meetings

(MCOMP Mandatory Provisions 19.1 – 19.7

Non-Mandatory Provision 19.2(a))

19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the Council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a Council meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors

after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to Correspondence and Reports Laid on the Table at, or Submitted to, a Meeting

(MCOMP Mandatory Provisions 19.8 – 19.11)

19.8 The Council and Committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the Council or the Committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of Decisions of the Council

(MCOMP Mandatory Provision 19.12)

19.12 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20. COUNCIL COMMITTEES

Application of this Part

(MCOMP Mandatory Provision 20.1)

20.1 This Part only applies to Committees of the Council whose members are all Councillors.

Council Committees Whose Members are all Councillors

(MCOMP Mandatory Provisions 20.2 – 20.4)

20.2 The Council may, by resolution, establish such Committees as it considers necessary.

20.3 A Committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a Committee of the Council is to be:

- (a) such number of members as the Council decides, or
- (b) if the Council has not decided a number – a majority of the members of the Committee.

Functions of Committees

(MCOMP Mandatory Provision 20.5)

20.5 The Council must specify the functions of each of its Committees when the Committee is established but may from time to time amend those functions.

Notice of Committee Meetings

(MCOMP Mandatory Provisions 20.6 – 20.7)

20.6 The Chief Executive Officer must send to each Councillor, regardless of whether they are a Committee member, at least three (3) days before each meeting of the Committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a Committee meeting called in an emergency.

Attendance at Committee Meetings

(MCOMP Mandatory Provisions 20.8 – 20.9)

20.8 A Committee member (other than the Mayor) ceases to be a member of a Committee if the Committee member:

- (a) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the Committee.

Non-members Entitled to Attend Committee Meetings

(MCOMP Mandatory Provision 20.10)

20.10 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the Committee. However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and Deputy Chairperson of Council Committees

(MCOMP Mandatory Provisions 20.11 – 20.14)

20.11 The chairperson of each Committee of the Council must be:

- (a) the Mayor, or
- (b) if the Mayor does not wish to be the chairperson of a Committee, a member of the Committee elected by the Council, or
- (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.

20.12 The Council may elect a member of a Committee of the Council as deputy chairperson of the Committee. If the Council does not elect a deputy chairperson of such a Committee, the Committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting chairperson of the Committee.

20.14 The chairperson is to preside at a meeting of a Committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in Committee Meetings

(MCOMP Mandatory Provisions 20.15 – 20.18)

20.15 Subject to any specific requirements of this code, each Committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of the Council unless the

Council or the Committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the Committee is equal, the chairperson of the Committee is to have a casting vote as well as an original vote unless the Council or the Committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a Council Committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of Committee Meetings to the Public

(MCOMP Mandatory Provisions 20.19 – 20.21)

20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

20.19 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in Committee Meetings*(MCOMP Mandatory Provision 20.22)*

20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council Committee Meetings*(MCOMP Mandatory Provision 20.23, 20.25 – 20.29**Non-mandatory provision 20.23(a) and 20.24)*

20.22 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:

(a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.24 If a Councillor votes against a motion put at a Committee of Council meeting, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

20.25 The minutes of meetings of each Committee of the Council must be confirmed at ~~a subsequent meeting of the Committee—the next Ordinary Council meeting.~~

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a Committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

21. IRREGULARITIES

(MCOMP Mandatory Provision 21.1)

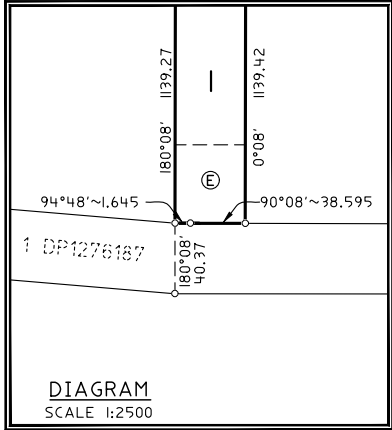
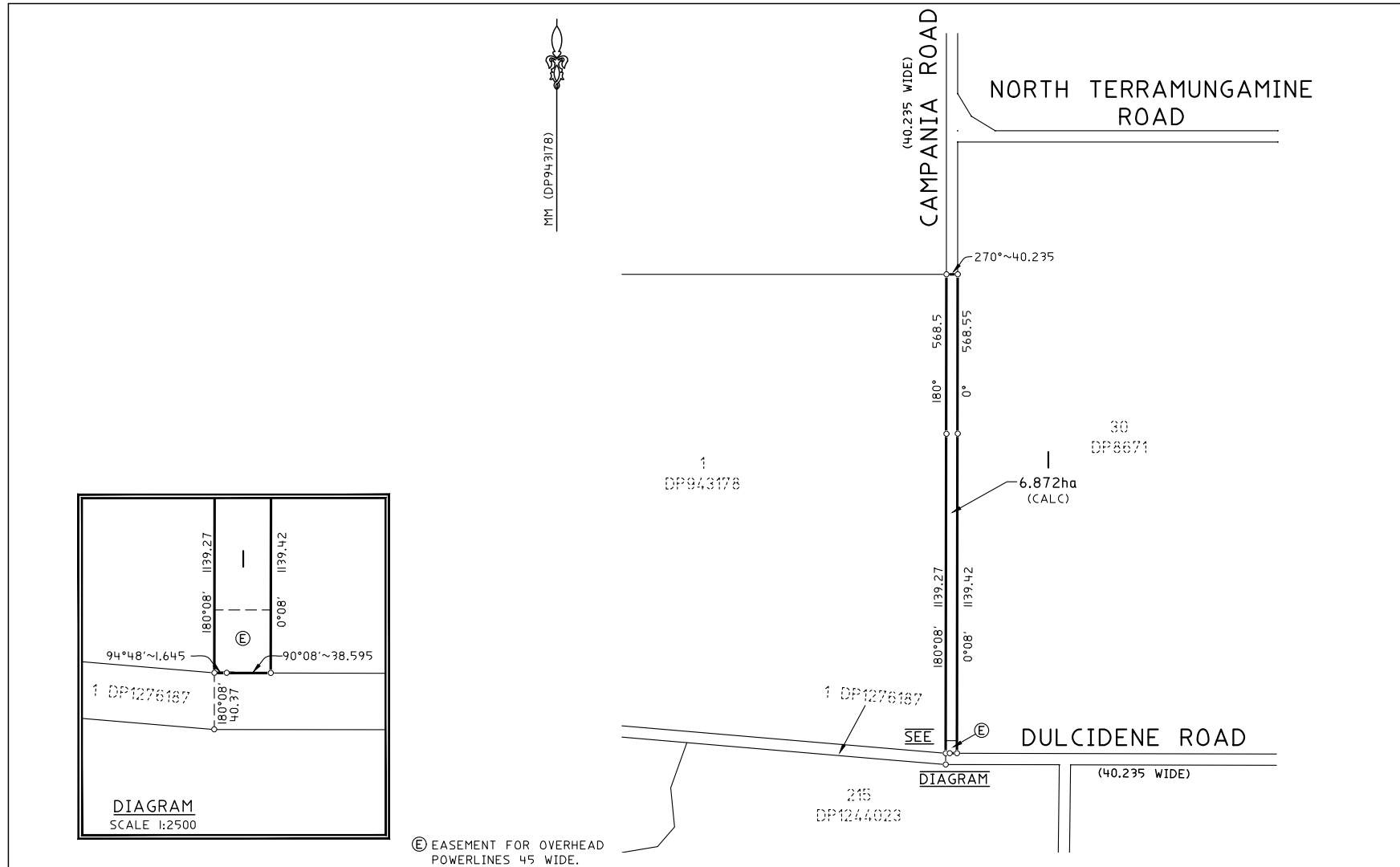
21.1 Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or Committee member, or
- (c) any defect in the election or appointment of a Councillor or Committee member, or
- (d) a failure of a Councillor or a Committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or Committee meeting in accordance with the Council's code of conduct, or
- (e) a failure to comply with this code.

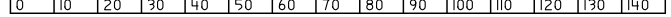
Note: Clause 21.1 reflects section 374 of the Act.

CCL23/197 Road Closure and Disposal Agreement - Classification as Operational Land - Campania Road, Rawsonville

Attachment 1: Attachment - Plan of Road Closure - Campania Road Rawsonville..... 378



Surveyor: MATTHEW G. THORNE Date of Survey: 11/04/2022 Surveyor's Ref: I21252.2.DP 2022M7100(415)COMP	PLAN OF FIRST TITLE CREATION AND ROAD CLOSING UNDER THE ROADS ACT, 1993 AND EASEMENT FOR OVERHEAD POWERLINES.	LGA: DUBBO REGIONAL Locality: TERRAMUNGAMINE Subdivision No: Lengths are in metres. Reduction Ratio 1:2500	Registered	DP
--	---	---	------------	----



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 1 of 2)

Plan Plan of first title creation and road closing under the Roads Act, 1993 and Easement for Overhead Powerlines

Full name and address of the owner of the land

Dubbo Regional Council
Church Street DUBBO 2830

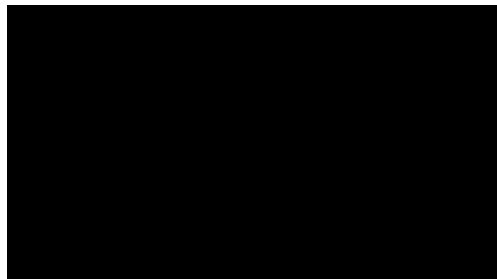
Part 1 (Creation)

Number of item shown in the intention panel on the plan.	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s).	Benefited lot(s), road(s), bodies or Prescribed Authorities.
1	Easement for Overhead Powerlines 45 wide (E)	Lot 1	Essential Energy

Part 2 (Terms)

Terms of the Easement for Overhead Powerlines numbered 1 in the abovementioned plan:

An easement for overhead powerlines the terms of which are set out in Part A of Memorandum AG 189384.



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 2 of 2)

Plan

Plan of first title creation and road closing under the Roads Act, 1993 and Easement for Overhead Powerlines

EXECUTED BY ESSENTIAL ENERGY

by its duly appointed attorney under power of attorney Book [REDACTED] in the presence of:

[REDACTED]
Signature of witness

[REDACTED]
Name and title of attorney

[REDACTED]
Name of witness

[REDACTED]
Full address of witness

The Common Seal of the DUBBO REGIONAL COUNCIL was affixed on thisday of 2022 pursuant to a resolution of the Council dated.....)
)
)
)

Signed: _____

Signed: _____

Name: _____

Name: _____

Position Held: _____

Position Held: _____

PLAN FORM 6 (2020)

WARNING: Creasing or folding will lead to rejection

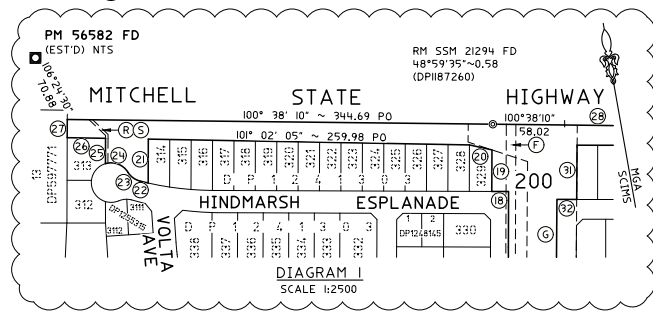
DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
<p style="text-align: right; font-size: small;">Office Use Only</p> <p>Registered:</p> <p>Title System:</p>	<p style="text-align: left; font-size: small;">Office Use Only</p>	
<p>PLAN OF FIRST TITLE CREATION AND ROAD CLOSING UNDER THE ROADS ACT, 1993 AND EASEMENT FOR OVERHEAD POWERLINES</p>	<p>LGA: DUBBO REGIONAL Locality: TERRAMUNGAMINE Parish: COOLBAGGIE County: LINCOLN</p>	
<p style="text-align: center;">Survey Certificate</p> <p>I,MATTHEW GERARD THORNE..... of .. PREMISE AUST PTY LTD PO BOX 1842 DUBBO NSW 2830.... a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding **.....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line:</p> <p>Type: Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>Signature: Dated: 01/09/2022....</p> <p>Surveyor Identification No:2100..... Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p> <p style="text-align: center;">THIS PLAN IS EXEMPT FROM SUBDIVISION CERTIFICATE UNDER SECTION 23G (b) OF THE CONVEYANCING ACT 1919</p> <p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Registration number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p>	
<p>Plans used in the preparation of survey/compilation.</p> <p>DP 943178 DP 8671 DP 8495</p>	<p>Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.</p>	
<p>Surveyor's Reference: 121252.2.DP 2022M7100 (415) Comp</p>	<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

PLAN FORM 6A (2019)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 2 sheet(s)
Office Use Only		Office Use Only		
Registered:				
PLAN OF SUBDIVISION OF LOT 3 IN DP837670 OF FIRST TITLE CREATION AND ROAD CLOSING UNDER THE ROADS ACT, 1993 AND EASEMENT FOR OVERHEAD POWERLINES		This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 		
Subdivision Certificate number:				
Date of Endorsement:				
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE: 1. EASEMENT FOR OVERHEAD POWERLINES 45 WIDE (E)				
Lot	Street No.	Street Name	Street Type	Locality
1		ADDRESS	NOT	AVAILABLE
The Common Seal of the DUBBO REGIONAL) COUNCIL was affixed on thisday of) 2022 pursuant to a resolution) of the Council dated.....)				
Signed: _____		Signed: _____		
Name: _____		Name: _____		
Position Held: _____		Position Held: _____		
If space is insufficient use additional annexure sheet				
Surveyor's Reference: 121252.2.DP 2022M7100 (415) Comp				

**CCL23/198 Execution of Plan of Subdivision - Keswick Estate Stage 5
Release 2**

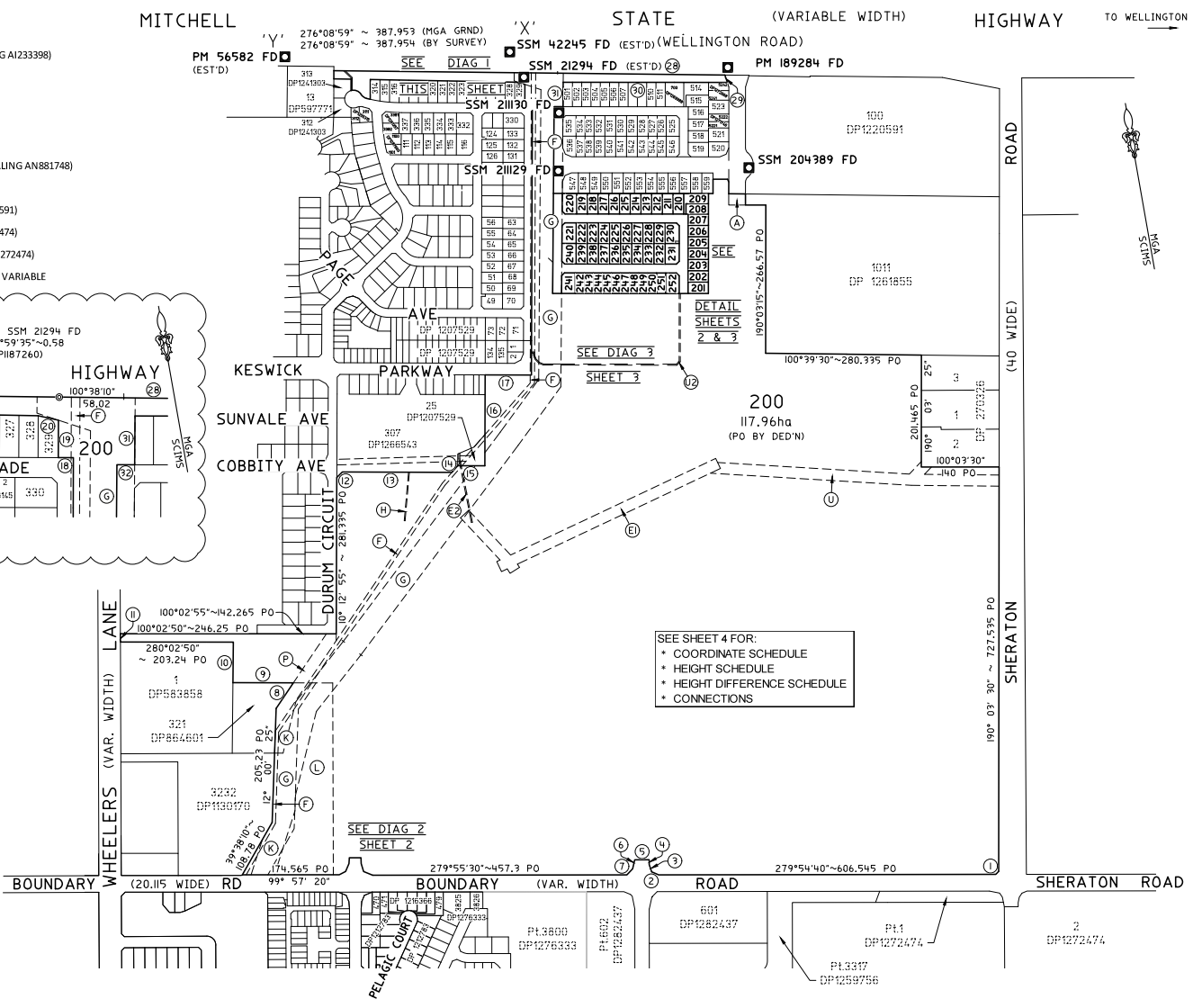
Attachment 1: Attachment - Plan of Subdivision of lot 1012 in DP
1261855 - Keswick Stage 5 Release 2 - Pre-Examined
DP1280301 384

- (A) ~ RIGHT OF ACCESS 20 WIDE (DP1261855)
- (F) ~ EASEMENT FOR WATER SUPPLY 6 WIDE (DP849890)
- (G) ~ EASEMENT FOR OVERHEAD POWERLINES 40 WIDE (DEALING A123398)
- (H) ~ EASEMENT FOR DRAINAGE 1.525 WIDE (DEALING D411346)
- (K) ~ EASEMENT TO DRAIN WATER 40 WIDE (DP814043)
- (L) ~ RESTRICTIONS ON THE USE OF LAND (DP814043)
- (P) ~ EASEMENT TO DRAIN WATER 20 WIDE (DP583858)
- (R) ~ EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE (DEALING AN881748)
- (S) ~ EASEMENT FOR SERVICES 2 WIDE (DEALING AN881799)
- (U) ~ EASEMENT FOR OVERHEAD POWERLINES 20 WIDE (DP1220591)
- (E1) ~ EASEMENT FOR OVERHEAD POWERLINES 20 WIDE (DP1272474)
- (E2) ~ EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE (DP1272474)
- (U2) ~ EASEMENT FOR UNDERGROUND POWERLINES 3 WIDE AND VARIABLE



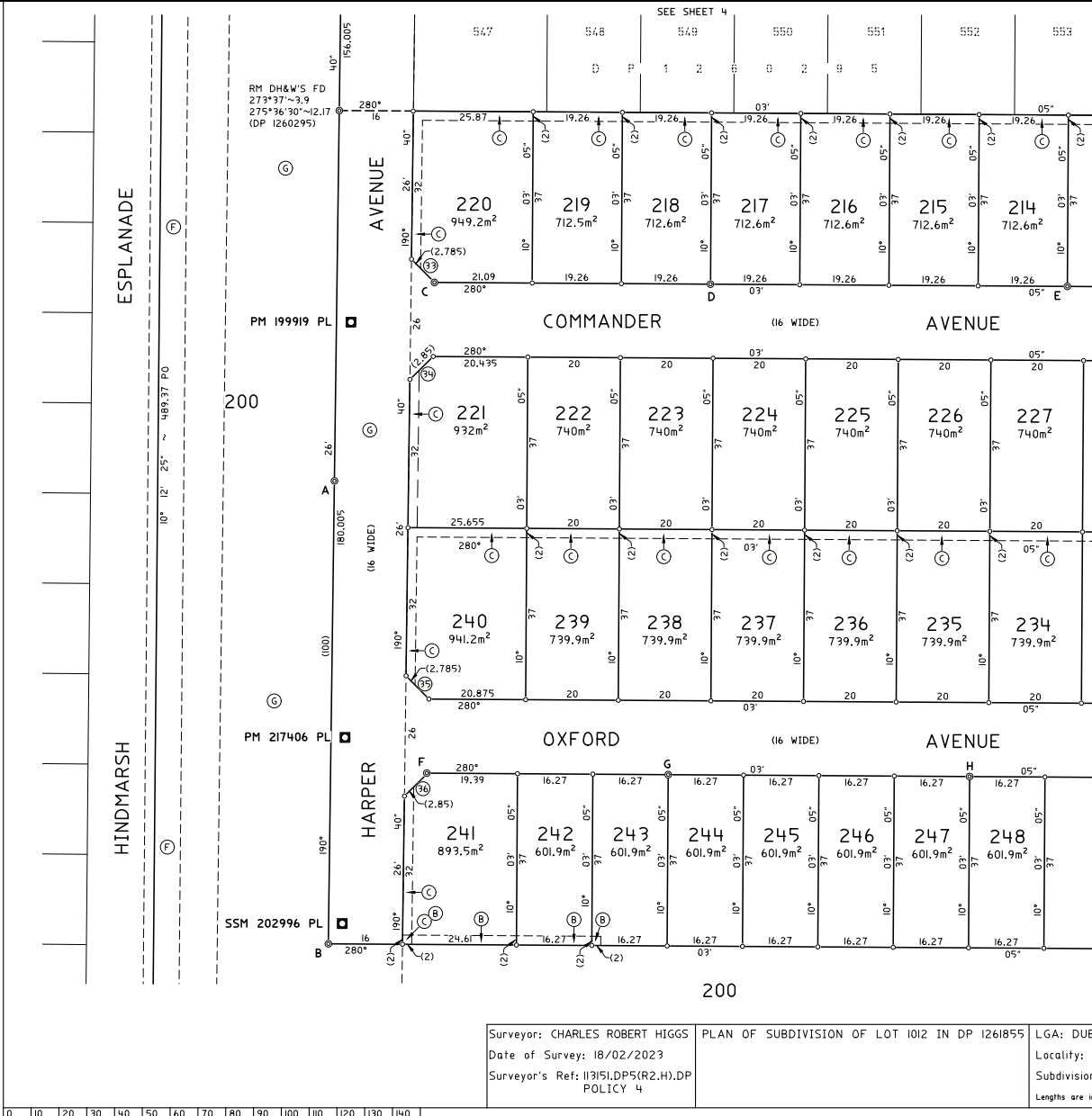
SCHEDULE OF SHORT LINES AND ARCS				
NO	BEARING	DISTANCE	ARC	RADIUS
1	53° 54' 25"	7.505		
2	123° 42'	13.86		
3	170° 40' 10"	13.66		
4	189° 54' 50"	8.725		
5	99° 54' 50"	26.01		
6	22° 59' 40"	16.675		
7	53° 47' 55"	15.205		
8	43° 58' 30"	55.495		
9	280° 10' 50"	108.8		
10	10° 34' 10"	73.03		
11	9° 47' 50"	15		
12	55° 13' 05"	14.14		
13	100° 13'	196.97		
14	231° 17' 10"	15.915		
15	100° 12' 50"	48.89		
16	10° 12' 50"	163.405		
17	100° 12' 10"	83.235		
18	280° 12' 25"	13.6		
19	10° 09' 40"	33.735		
20	112° 12'	18.635		
21	10° 12' 15"	35.55		
22	113° 31' 35"	6.995	6.995	246
23	136° 18' 10"	11.97	12.265	16
24	120° 54' 55"	19.415	20.86	16
25	10° 12' 15"	20.525		
26	101° 02' 05"	31.065		
27	10° 10' 10"	14.77		
28	100° 37' 55"	301.14		
29	171° 35' 40"	14		
30	280° 03' 05"	295.395		
31	190° 26' 40"	43.935		
32	280° 03' 05"	16		

ALL LINES ARE PO



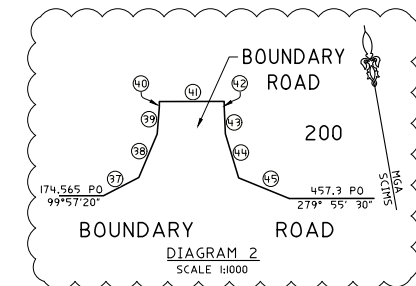
SEE SHEET 4 FOR:
 * COORDINATE SCHEDULE
 * HEIGHT SCHEDULE
 * HEIGHT DIFFERENCE SCHEDULE
 * CONNECTIONS

Surveyor: CHARLES ROBERT HIGGS Date of Survey: 18/02/2023 Surveyor's Ref: I131.DP5(R2.H).DP POLICY 4	PLAN OF SUBDIVISION OF LOT 1012 IN DP 1261855	LGA: DUBBO REGIONAL Locality: DUBBO Subdivision No: Lengths are in metres. Reduction Ratio 0.5000	Registered DP 1280301
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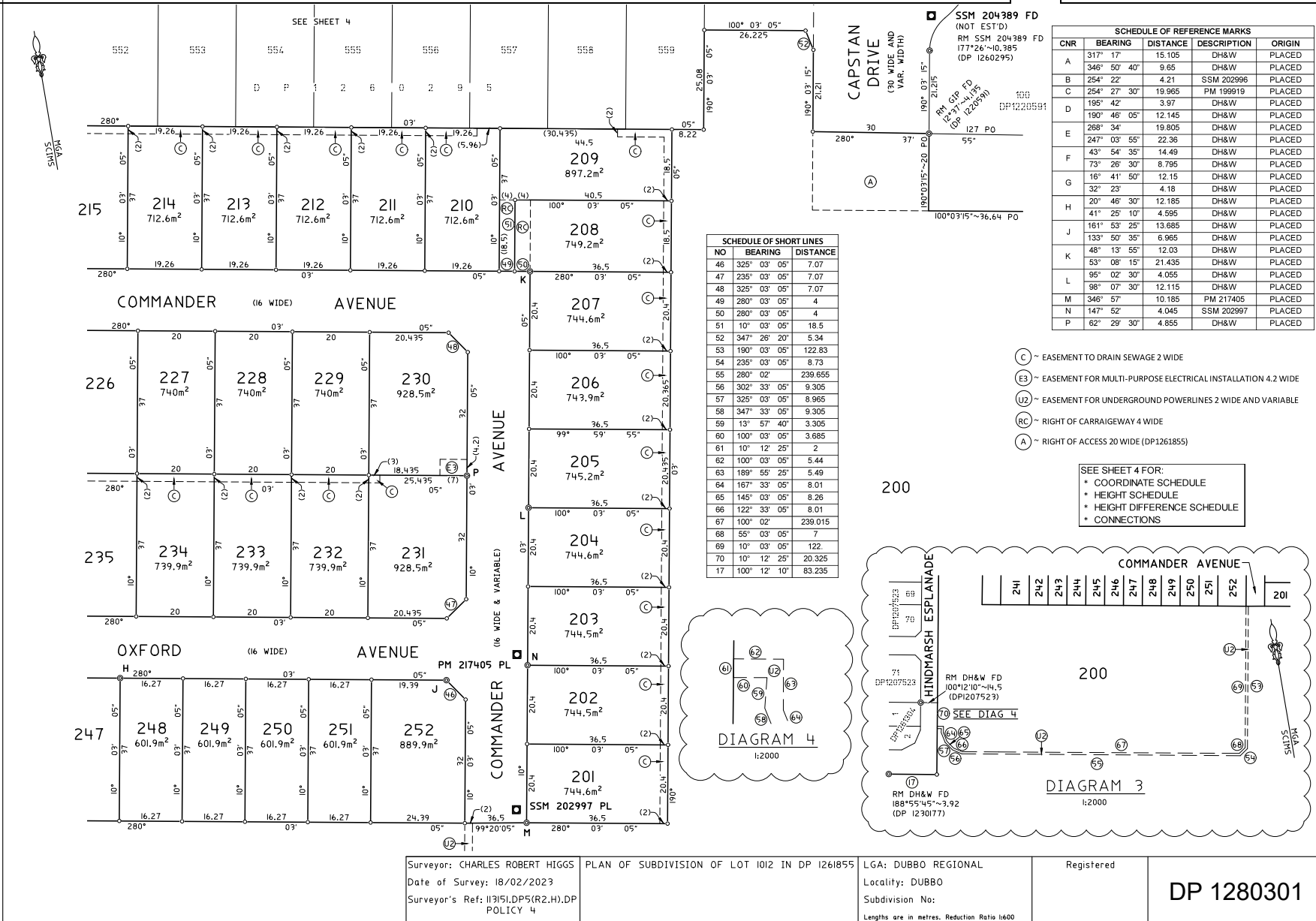
NO	BEARING	DISTANCE
33	145° 03' 05"	7.07
34	235° 03' 05"	7.07
35	145° 03' 05"	7.07
36	55° 03' 05"	7.07
37	72° 40' 20"	13.03
38	32° 52' 35"	15.305
39	14° 33' 35"	8.855
40	9° 40' 25"	1.675
41	99° 54' 50"	21.
42	189° 40' 25"	1.675
43	187° 34' 15"	8.83
44	173° 12' 55"	14.895
45	122° 22' 20"	17.73

SEE SHEET 4 FOR:
 * COORDINATE SCHEDULE
 * HEIGHT SCHEDULE
 * HEIGHT DIFFERENCE SCHEDULE
 * CONNECTIONS



- (B) ~ EASEMENT TO DRAIN WATER 2 WIDE
 - (C) ~ EASEMENT TO DRAIN SEWAGE 2 WIDE
 - (F) ~ EASEMENT FOR WATER SUPPLY 6 WIDE (DP849890)
 - (G) ~ EASEMENT FOR OVERHEAD POWERLINES 40 WIDE (DEALING A1233398)
- SEE SHEET 3 FOR SCHEDULE OF REFERENCE MARKS PLACED

Surveyor: CHARLES ROBERT HIGGS Date of Survey: 18/02/2023 Surveyor's Ref: 113151.DP5(R2.H).DP POLICY 4	PLAN OF SUBDIVISION OF LOT 1012 IN DP 1261855	LGA: DUBBO REGIONAL Locality: DUBBO Subdivision No: Lengths are in metres. Reduction Ratio 1:600	Registered	DP 1280301
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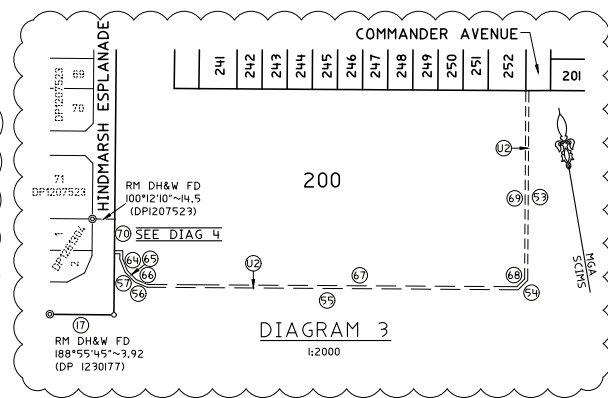
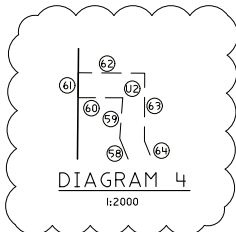
SCHEDULE OF REFERENCE MARKS

CNR	BEARING	DISTANCE	DESCRIPTION	ORIGIN
A	317° 17'	15.105	DH&W	PLACED
B	346° 50' 40"	9.65	DH&W	PLACED
C	254° 22'	4.21	SSM 202996	PLACED
D	254° 27' 30"	19.965	PM 199919	PLACED
E	195° 42'	3.97	DH&W	PLACED
F	190° 46' 05"	12.145	DH&W	PLACED
G	268° 34'	19.805	DH&W	PLACED
H	247° 03' 55"	22.36	DH&W	PLACED
I	43° 54' 35"	14.49	DH&W	PLACED
J	73° 26' 30"	8.795	DH&W	PLACED
K	16° 41' 50"	12.15	DH&W	PLACED
L	32° 23'	4.18	DH&W	PLACED
M	20° 46' 30"	12.185	DH&W	PLACED
N	41° 25' 10"	4.595	DH&W	PLACED
O	161° 53' 25"	13.685	DH&W	PLACED
P	133° 50' 35"	6.965	DH&W	PLACED
Q	48° 13' 55"	12.03	DH&W	PLACED
R	53° 08' 15"	21.435	DH&W	PLACED
S	95° 02' 30"	4.065	DH&W	PLACED
T	98° 07' 30"	12.115	DH&W	PLACED
U	348° 57'	10.185	PM 217405	PLACED
V	147° 52'	4.045	SSM 202997	PLACED
W	62° 29' 30"	4.855	DH&W	PLACED

SCHEDULE OF SHORT LINES

NO	BEARING	DISTANCE
46	325° 03' 05"	7.07
47	235° 03' 05"	7.07
48	325° 03' 05"	7.07
49	280° 03' 05"	4
50	280° 03' 05"	4
51	10° 03' 05"	18.5
52	347° 26' 20"	5.34
53	190° 03' 05"	122.83
54	235° 03' 05"	8.73
55	280° 02'	239.655
56	302° 33' 05"	9.305
57	325° 03' 05"	8.965
58	347° 33' 05"	9.305
59	13° 57' 40"	3.305
60	100° 03' 05"	3.685
61	10° 12' 25"	2
62	100° 03' 05"	5.44
63	189° 55' 25"	5.49
64	167° 33' 05"	8.01
65	145° 03' 05"	8.26
66	122° 33' 05"	8.01
67	100° 02'	239.015
68	55° 03' 05"	7
69	10° 03' 05"	122.
70	10° 12' 25"	20.325
17	100° 12' 10"	83.235

- (C) - EASEMENT TO DRAIN SEWAGE 2 WIDE
- (E3) - EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE
- (U2) - EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE AND VARIABLE
- (RC) - RIGHT OF CARRIAGEWAY 4 WIDE
- (A) - RIGHT OF ACCESS 20 WIDE (DP1261855)



Surveyor: CHARLES ROBERT HIGGS	PLAN OF SUBDIVISION OF LOT 1012 IN DP 1261855	LGA: DUBBO REGIONAL	Registered
Date of Survey: 18/02/2023		Locality: DUBBO	
Surveyor's Ref: 113151.DP5(R2.H).DP POLICY 4		Subdivision No:	DP 1280301
		Lengths are in metres. Reduction Ratio 1:600	

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140

COORDINATE SCHEDULE						
MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
SSM 42245	654186.093	6429789.547	B	0.02	FROM SCIMS	FOUND
PM 56582	653800.434	6429831.103	B	0.02	FROM SCIMS	FOUND
SSM 21294	654206.696	6429747.105	C	0.03	FROM SCIMS	FOUND
PM 189284	654550	6429682	U	N/A	FROM SCIMS	FOUND
SSM 21129	654231	6429569	U	N/A	FROM SCIMS	FOUND
SSM 21130	654252	6429667	U	N/A	FROM SCIMS	FOUND
SSM 204389	654563	6429496	U	N/A	FROM SCIMS	FOUND
PM 199919	654214	6429480	U	N/A	CAD TRAV	PLACED
PM 217405	654432	6429349	U	N/A	CAD TRAV	PLACED
PM 217406	654106	6429393	U	N/A	CAD TRAV	PLACED
SSM 202996	654191	6429349	U	N/A	CAD TRAV	PLACED
SSM 202997	654424	6429316	U	N/A	CAD TRAV	PLACED

DATE OF SCIMS COORDINATES: 10-JAN-2023
MGA ZONE: 55
MGA DATUM: GDA2020
COMBINED SCALE FACTOR: 0.999843

HEIGHT DIFFERENCE SCHEDULE				
FROM	TO	HEIGHT DIFFERENCE	METHOD	
SSM 56582	SSM 42245	0.489	TRIG HEIGHTING	
SSM 42245	SSM 21294	-0.296	TRIG HEIGHTING	
SSM 21294	PM 199919	-1.427	TRIG HEIGHTING	
PM 199919	PM 217406	-0.450	GNSS	
PM 217406	SSM 202996	-0.550	GNSS	
PM 199919	PM 217405	1.385	GNSS	
SSM 202996	SSM 202997	2.270	GNSS	
SSM 202997	PM 217405	0.115	GNSS	
PM 217405	SSM 42245	0.338	GNSS	

HEIGHT DATUM: AHD71

HEIGHT SCHEDULE					
MARK	AHD VALUE	CLASS	PU	HEIGHT DATUM VALIDATION	STATE
SSM 42245	295.063	LC	N/A	SCIMS ADOPTED	FOUND
PM 56582	294.574	LC	N/A	SCIMS DATUM - VALIDATION	FOUND
SSM 21294	294.767	LB	N/A	SCIMS DATUM - VALIDATION	FOUND
PM 199919	293.340	U	N/A		PLACED
PM 217406	292.786	U	N/A		PLACED
SSM 202996	292.340	U	N/A		PLACED
SSM 202997	294.610	U	N/A		PLACED
PM 217405	294.725	U	N/A		PLACED

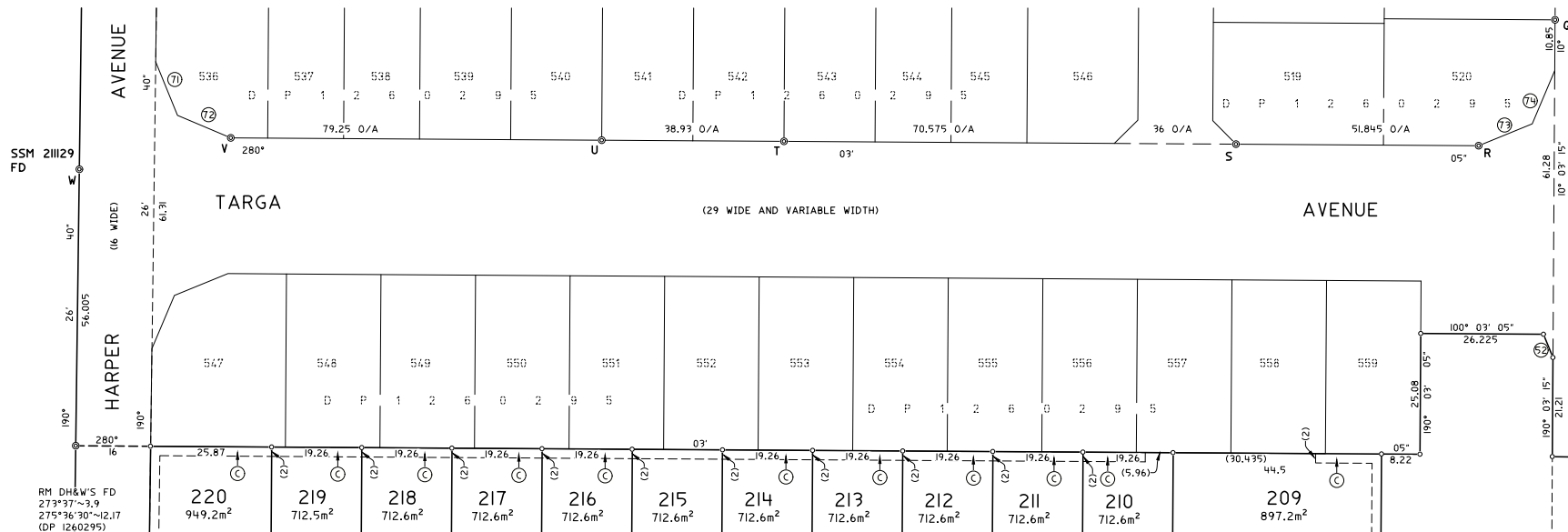
DATE OF SCIMS AHD VALUES: 10-JAN-2023
HEIGHT DATUM: AHD71

C - EASEMENT TO DRAIN SEWAGE 2 WIDE

CONNECTIONS				
FROM	TO	BEARING	DISTANCE	METHOD
SSM 42245	SSM 21294	154° 06' 28"	47.186	MGA GROUND
		154° 06' 32"	47.194	BY SVY
SSM 42245	PM 189284	106° 24' 40"	379.22	
PM 189284	SSM 204389	176° 05' 25"	187.14	BY SVY & DP1261855
SSM 204389	SSM 211129	282° 31' 45"	339.335	BY SVY & DP1260295
SSM 211129	PM 199919	190° 56'	91.31	
SSM 204389	PM 217405	221° 49' 30"	196.45	
PM 217405	PM 199919	300° 55' 35"	253.63	
SSM 21294	PM 199919	178° 25' 30"	267.525	
PM 199919	PM 217406	191° 56' 25"	88.865	
PM 217406	SSM 202996	186° 29' 35"	43.82	
SSM 202996	SSM 202997	98° 10' 15"	236.04	

SCHEDULE OF SHORT LINES		
NO	BEARING	DISTANCE
52	347° 26' 20"	5.34
71	347° 31' 15"	12.36
72	302° 35' 45"	12.36
73	77° 31' 15"	12.36
74	32° 35' 45"	12.36

SCHEDULE OF REFERENCE MARKS				
CNR	BEARING	DISTANCE	DESCRIPTION	ORIGIN
Q	320° 56'	7.995	DH&W FD	DP 1260295
	306° 26' 30"	26.32	DH&W FD	DP 1260295
R	68° 33' 30"	12.07	DH&W FD	DP 1260295
	34° 36' 30"	25.145	DH&W FD	DP 1260295
S	332° 29'	4.16	DH&W FD	DP 1260295
	22° 44'	25.79	DH&W FD	DP 1260295
T	4° 25'	4.005	DH&W FD	DP 1260295
	10° 15'	25.145	DH&W FD	DP 1260295
U	1° 12'	4.02	DH&W FD	DP 1260295
	8° 32' 30"	25.155	DH&W FD	DP 1260295
V	20° 11'	6.525	DH&W FD	DP 1260295
	13° 09'	22.785	DH&W FD	DP 1260295
W	349° 53'	11	SSM 211129 FD	DP 1260295



Surveyor: CHARLES ROBERT HIGGS	PLAN OF SUBDIVISION OF LOT 1012 IN DP 1261855	LGA: DUBBO REGIONAL	Registered
Date of Survey: 18/02/2023		Locality: DUBBO	
Surveyor's Ref: 113151.DP5(R2,H).DP POLICY 4		Subdivision No:	DP 1280301
		Lengths are in metres. Reduction Ratio 1:600	

PLAN FORM 6 (2020)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 5 sheet(s)
<p style="text-align: center; font-size: small;">Office Use Only</p> <p>Registered:</p> <p>Title System:</p>	<p style="text-align: center; font-size: small;">Office Use Only</p> <h1 style="text-align: center; margin: 0;">DP1280301</h1>	
<p>SUBDIVISION OF LOT 1012 IN DP 1261855</p>	<p>LGA: DUBBO REGIONAL</p> <p>Locality: DUBBO</p> <p>Parish: DUBBO</p> <p>County: LINCOLN</p>	
<p style="text-align: center;">Survey Certificate</p> <p>I, MATTHEW G. THORNE of PREMISE PTY LTD, PO BOX 1842 DUBBO 2830 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on 7 February 2022, or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding the residue of lot 200) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on, 18/02/2023 the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: "X" ~ "Y"</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous:</p> <p>Signature:  Dated: 21/02/2023</p> <p>Surveyor Identification No: 2100 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> [Electronic signature of me Matthew G. Thorne, affixed by me on 21/02/2023]</p> <p>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p> <hr/> <p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>	
<p>Plans used in the preparation of survey/compilation.</p> <p>DP 1241303</p> <p>DP 1187260</p> <p>DP 1200591</p> <p>DP 1272474</p> <p>DP 1261855</p>	<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p> <p>IT IS INTENDED TO DEDICATE HARPER AVENUE 16 WIDE, COMMANDER AVENUE 16 WIDE & VARIABLE WIDE AND OXFORD AVENUE 16 WIDE TO THE PUBLIC AS PUBLIC ROAD.</p>	
<p>Surveyor's Reference: 113151.DP5(R2.J).DP (Policy 4)</p>	<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

PLAN FORM 6A (2019) DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 5 sheet(s)																																																																																
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<p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 AS AMENDED, IT IS INTENDED TO CREATE:-</p> <ol style="list-style-type: none"> 1. Easement to Drain Sewage 2 Wide (C) 2. Easement to Drain Water 2 Wide (B) 3. Restrictions on the Use of Land 4. Right of Carriageway 4 Wide (RC) 5. Easement for Multi-Purpose Electrical Installation 4.2m Wide (E3) 6. Easement for Underground Powerlines 2 Wide and Variable Width (U2) 																																																																																		
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215	12	COMMANDER	AVENUE	DUBBO
216	10	COMMANDER	AVENUE	DUBBO
217	8	COMMANDER	AVENUE	DUBBO
218	6	COMMANDER	AVENUE	DUBBO
219	4	COMMANDER	AVENUE	DUBBO
220	2 4	COMMANDER HARPER	AVENUE AVENUE	DUBBO
221	1 6	COMMANDER HARPER	AVENUE AVENUE	DUBBO
222	3	COMMANDER	AVENUE	DUBBO
223	5	COMMANDER	AVENUE	DUBBO
224	7	COMMANDER	AVENUE	DUBBO
225	9	COMMANDER	AVENUE	DUBBO
226	11	COMMANDER	AVENUE	DUBBO
227	13	COMMANDER	AVENUE	DUBBO
228	15	COMMANDER	AVENUE	DUBBO
229	17	COMMANDER	AVENUE	DUBBO
230	19	COMMANDER	AVENUE	DUBBO
231	21 20	COMMANDER OXFORD	AVENUE AVENUE	DUBBO
232	18	OXFORD	AVENUE	DUBBO
233	16	OXFORD	AVENUE	DUBBO
If space is insufficient use additional annexure sheet				
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234	14	OXFORD	AVENUE	DUBBO
235	12	OXFORD	AVENUE	DUBBO
236	10	OXFORD	AVENUE	DUBBO
237	8	OXFORD	AVENUE	DUBBO
238	6	OXFORD	AVENUE	DUBBO
239	4	OXFORD	AVENUE	DUBBO
240	2 8	OXFORD HARPER	AVENUE AVENUE	DUBBO
241	1 10	OXFORD HARPER	AVENUE AVENUE	DUBBO
242	3	OXFORD	AVENUE	DUBBO
243	5	OXFORD	AVENUE	DUBBO
244	7	OXFORD	AVENUE	DUBBO
245	9	OXFORD	AVENUE	DUBBO
246	11	OXFORD	AVENUE	DUBBO
247	13	OXFORD	AVENUE	DUBBO
248	15	OXFORD	AVENUE	DUBBO
249	17	OXFORD	AVENUE	DUBBO
250	19	OXFORD	AVENUE	DUBBO
251	21	OXFORD	AVENUE	DUBBO
252	23 23	OXFORD COMMANDER	AVENUE AVENUE	DUBBO
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PLAN FORM 6A (2019) DEPOSITED PLAN ADMINISTRATION SHEET Sheet 5 of 5 sheet(s)	
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The Common Seal of the DUBBO REGIONAL COUNCIL) was affixed on thisday of 2023) pursuant to a resolution of the Council dated.....)	
_____ Signed:	_____ Signed:
_____ Name:	_____ Name:
_____ Position Held:	_____ Position Held:
If space is insufficient use additional annexure sheet	
Surveyor's Reference: 113151.DP5(R2.J).DP (Policy 4)	

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR
RELEASED AND OF RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
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Lengths are in metres

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PLAN: Subdivision of Lot 1012 in Deposited Plan
1261855 covered by Subdivision Certificate
No. _____

**FULL NAME AND ADDRESS
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LAND** Dubbo Regional Council
Civic Administration Building, Church Street
Dubbo NSW 2830

PART 1 (Creation)

Number of item shown in the intention panel on the plan.	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s).	Benefited lot(s), road(s), bodies or Prescribed Authorities.
1	Easement to Drain Sewage 2 Wide (C)	Lots 201 to 221 (inclusive), Lots 231 to 241 (inclusive)	Dubbo Regional Council
2	Easement to Drain Water 2 Wide (B)	Lots 241 to 243 (inclusive)	Dubbo Regional Council
3	Restrictions on the Use of Land	Lots 201 to 252 (inclusive)	Every other lot in the plan other than the lot burdened, Lot 200 and Dubbo Regional Council
4	Right of Carriageway 4 Wide (RC)	Lot 208 Lot 209	Lot 209 Lot 208
5	Easement for Multi-purpose Electrical Installation 4.2 Wide (E3)	Lot 230	Essential Energy (ABN 37 428 185 266)
6	Easement for Underground Powerlines 2 Wide and Variable Width (U2)	Lot 200	Essential Energy (ABN 37 428 185 266)

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PART 2 (Terms)

TERMS OF RESTRICTION ON THE USE OF LAND NUMBER 3 IN THE PLAN

Land must be developed in accordance with the building covenants contained within this section 88B instrument.

1 DEFINITIONS

Building Covenants means the building covenants contained in this section 88B instrument relating to the restrictions on the use of the Land as numbered 3 in the plan.

Building Works means any works carried out on the Land in the nature of the construction, alteration, renovation or repair of a Dwelling or other building, fence, retaining wall, external sign or hoarding, external floodlights or spotlights or external fittings.

Claim means any cost, claim, demand, obligation, remedy, damage, loss, action, proceeding, claim for compensation, requisition or objection, whichever is applicable.

Contract means the contract between the Seller and the Owner for the sale and purchase of the Land.

Design Guidelines means the document titled "Design Guidelines" attached in the Contract.

Development means Keswick Stage 5 Release 2 and all other development activities being conducted by the Seller in and around the Keswick development.

Development Approvals means any development application lodged by the Seller from time to time.

Dwelling means the residential dwelling to be constructed on the Land.

Easement Site means any registered Easement within the Development.

Excluded Dog means:

- (a) a dog that is vicious, aggressive, noisy or difficult to control;
- (b) a dog that is not registered or is a dangerous or nuisance dog under the *Companion Animals Act 1998* (NSW);
- (c) a dog prohibited from the importation into Australia by the Commonwealth Government or by or under the *Customs Act 1901* (Cth).

Extension means addition, renovation, or alteration to an existing Dwelling.

Improvements means any of the following but is not limited to: new home, transmitting and receiving devices, security systems, air conditioning units, fence, retaining wall, letterboxes, landscaping within public view, garden sheds, clothes lines, external floodlights or spotlights, external fittings, pergolas, indoor and outdoor pools and hot water systems.

Land has the same meaning as detailed in the Reference Schedule of the Contract.

Outbuilding means, for example, garage, verandah, pergola and/ or shed.

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Dubbo NSW 2830

Owner means the registered proprietor of the Land and its successors (including those claiming under or through the registered proprietor).

Seller means Dubbo Regional Council in its capacity as the land-owner and developer of the Development, as distinct from its capacity as the local government authority under the *Local Government Act 1993* (NSW) and the planning authority under the *Environmental Planning and Assessment Act 1979* (NSW).

Settlement Date means the date of settlement of the sale and purchase of the Land pursuant to the Contract.

Temporary Dwelling means, for example, caravan, tent or any Dwelling temporarily erected to assist in any Building Works.

1A. DISCLAIMER

1.1 The Owner acknowledges that the Seller is a local government authority with statutory rights and obligations pursuant to the terms of the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW) and agrees that:

- (a) no provision of these Building Covenants is to be construed or operate so as to restrict, fetter, modify or otherwise interfere with the power of the Seller as a local government authority;
- (b) these Building Covenants are not to be considered or construed as an approval of any development or other application required by the Seller in its capacity as a local government authority or any other statutory authority;
- (c) if any provision of these Building Covenants would, or could likely, operate so as to fetter, restrict or otherwise interfere with the exercise of the Seller's powers as a local government authority, then that provision is, to the extent necessary for it not to fetter, restrict or otherwise interfere with the exercise of the Seller's powers as a local government authority, be read down (if possible) or severed from these Building Covenants; and
- (d) it will not make any claim on account of any action of the Seller that is carried out in the Seller's capacity as a local government authority.

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2 TERMS

- 2.1 The Owner covenants that it is desirable and in the interest of all Owners of lots in the Development that:
- (a) the Land and other lots in the Development are properly maintained prior to the commencement of construction of a Dwelling;
 - (b) a high standard of design and construction of Dwellings in the Development is maintained; and
 - (c) Owners conform with agreed standards in relation to the use of their lots and any Extensions and/ or Improvements erected thereon.
- 2.2 The Owner acknowledges that further construction and Development works may be carried out on and around the Development after the settlement of the Contract. The Owner agrees not to raise any objection, nor seek to delay settlement or seek to make a Claim in respect of any future construction or associated development or other works in connection with the Development.
- 2.3 The Owner consents to and agrees not to raise any objection or lodge any submissions in respect of any Development application or amendments to any Development Approvals in respect of the Development or any adjoining or nearby land owned by the Seller.
- 2.4 The Owner acknowledges and agrees that the Design Guidelines form part of these Building Covenants.

3 CONSTRUCTION STANDARDS

- 3.1 Temporary fencing must be erected around any construction area on the Land and maintained for the full construction period.
- 3.2 Temporary advertising may only be erected with the Seller's written approval which will not be unreasonably withheld.
- 3.3 Temporary structures must not be erected on the Land unless required for the construction of an approved building.
- 3.4 The Owner must report to the Seller any damage to neighbouring properties caused during construction.
- 3.5 Rubbish must not be allowed to accumulate on the Land.
- 3.6 Sand, soil or gravel must not be removed from the Land without the consent of the Seller except for the foundations for any building.
- 3.7 The Owner must ensure that their builder(s) provide an enclosed rubbish container/ area during the construction period to contain rubbish on the Land.
- 3.8 If, in the Seller's reasonable opinion, rubbish, site evacuations or building materials have accumulated on the Land, then upon giving 7 days' notice, the Owner must have the identified materials removed, otherwise the Seller, its servants, agents and/or contractors will have the

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right to enter the Land for the purpose of tidying up the Land, the cost of which will be payable by the Owner.

3.9 Subject to clause 3.10, any Building Works or Improvement work must:

- (a) not be left for a period of longer than 3 months during construction without substantial works being carried out; and
- (b) be completed within a period of 12 months after the commencement of work.

3.10 The construction of an individual Dwelling must commence within twelve (12) months of the Settlement Date, and must be completed within twenty-four (24) months of the Settlement Date.

3.11 The Owner must pay for the replacement of street trees or for repairs to street irrigation damaged during any Building Works or Improvement work.

3.12 Nothing in this clause 3 or these Building Covenants exempts any Building Works or Improvement work from compliance with Dubbo Regional Council standards as the local government authority and the planning authority, or any other authority requirements. In addition to complying with these Building Covenants, the Owner must ensure that all government authority requirements and Design Guidelines are complied with.

4 BUILDING OPERATION REQUIREMENTS

4.1 The Seller has produced the Design Guidelines which set out, among other things, architectural controls for houses being built on the Development.

4.2 The Owner acknowledges they have received a copy of the Design Guidelines.

4.3 The Owner agrees to be bound by the Design Guidelines which form a part of these Building Covenants. If there is any conflict between the Design Guidelines and these Building Covenants, then the Building Covenants will prevail.

4.4 Only a single Dwelling for residential purposes may be erected on the Land, together with a lock-up garage, which must be suitably fitted with a vehicular access door and form an integral part of the design of the Dwelling.

4.5 The design, appearance and external colours and building materials of all Dwellings, garages, Extensions and Improvements must comply with these Building Covenants and the Design Guidelines.

4.6 The Owner shall erect or permit to remain upon the Land part of any building work or structure only if it fully complies with the requirements of Dubbo Regional Council.

4.7 No Temporary Dwelling is to be brought onto the Land except for the purpose of building the Dwelling house and for the purpose of building such other permanent structure on the Land as may be permitted by the Seller or its representative. No person shall reside in any portion of the Dwelling house prior to completion of the Dwelling house, and no person shall reside in any workshop at any time.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR
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-
- 4.8 The Owner is responsible for the establishment and maintenance in a proper manner all landscaping on the Land and must not remove any pre-existing trees without the consent of the Seller or its representative.
- 4.9 Additions and extensions to the Dwelling, outbuildings and other structures on the Land, including new verandahs, pergolas, outbuildings, sheds, swimming pools and garden structures are subject to the same covenant requirements and application for approval must be made to the Seller or its representative in the same manner as the original Dwelling building applications, as set out in the Design Guidelines.
- 4.10 Street landscaping along each frontage of an allotment must be protected by the Owner during the construction of the Dwelling.
- 4.11 The Owner agrees to reimburse the Seller, upon demand, for expenses incurred by the Seller in maintaining the Land on the Owner's behalf.

5 BUILDING STANDARDS

5.1 Site Planning

- (a) The Owner acknowledges that all Dwellings within the Development must have a formal entry which must be designed to address and be visible and accessible from the street front boundary, and in particular:

- (1) the Owner of lot 220 acknowledges and agrees that, if a dual-occupancy building is erected over lot 220, then:

- (i) the Dwelling located on the northern portion of lot 220 will have driveway access from Harper Avenue. The Dwelling must be designed to address and be visible and accessible from Harper Avenue; and
- (ii) the Dwelling located on the southern portion of lot 220 will have driveway access from Commander Avenue. The Dwelling must be designed to address and be visible and accessible from Commander Avenue.

- (2) the Owner of lot 221 acknowledges and agrees that, if a dual-occupancy building is erected over lot 221, then:

- (i) the Dwelling located on the northern portion of lot 221 will have driveway access from Commander Avenue. The Dwelling must be designed to address and be visible and accessible from Commander Avenue; and
- (ii) the Dwelling located on the southern portion of lot 221 will have driveway access from Harper Avenue. The Dwelling must be designed to address and be visible and accessible from Harper Avenue;

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-
- (3) the Owner of Lot 230 acknowledges and agrees that the Dwelling must face North and be designed to address and be visible and accessible from the portion of Commander Avenue that is directed West to East;
 - (4) the Owner of Lot 231 acknowledges and agrees that the Dwelling must be designed to address and be visible and accessible from Oxford Avenue;
 - (5) the Owner of lot 240 acknowledges and agrees that, if a dual-occupancy building is erected over lot 240, then:
 - (i) the Dwelling located on the northern portion of lot 240 will have driveway access from Harper Avenue. The Dwelling must be designed to address and be visible and accessible from Harper Avenue; and
 - (ii) the Dwelling located on the southern portion of lot 240 will have driveway access from Oxford Avenue. The Dwelling must be designed to address and be visible and accessible from Oxford Avenue;
 - (6) the Owner of lot 241 acknowledges and agrees that, if a dual-occupancy building is erected over Lot 241, then:
 - (i) the Dwelling located on the northern portion of lot 241 will have driveway access from Oxford Avenue. The Dwelling must be designed to address and be visible and accessible from Oxford Avenue; and
 - (ii) the Dwelling located on the southern portion of lot 241 will have driveway access from Harper Avenue. The Dwelling must be designed to address and be visible and accessible from Harper Avenue.
 - (7) the Owner of Lot 252 acknowledges and agrees that the Dwelling must be designed to address and be visible and accessible from Oxford Avenue;
- (b) Dwellings on lots 201 to 207 must address Commander Avenue and the Owners of lots 201 to 209 must not allow or cause to allow any vehicle to access their lot from any road other than Commander Avenue.
 - (c) Dwellings on lots 208 and 209 must be addressed in a westerly direction and the Owners of lots 208 and 2019 must not allow or cause to allow any vehicle to access their lot from any road other than Commander Avenue and via Right of Carriage Way numbered 4 in this section 88B instrument.
 - (d) Dwellings on lots 210 to 219 must address Commander Avenue and the Owners of lots 210 to 219 must not allow or cause to allow any vehicle to access their lot from any road other than Commander Avenue.
 - (e) Dwellings on lots 222 to 229 must address Commander Avenue and the Owners of lots 222 to 229 must not allow or cause to allow any vehicle to access their lot from any road other than Commander Avenue.

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-
- (f) Dwellings on lots 232 to 239 must address Oxford Avenue and the Owners of lots 232 to 239 must not allow or cause to allow any vehicle to access their lot from any road other than Oxford Avenue.
- (g) Dwellings on lots 242 to 251 must address Oxford Avenue and the Owners of lots 242 to 251 must not allow or cause to allow any vehicle to access their lot from any road other than Oxford Avenue.
- (h) Other than Lots 220, 221, 240 and 241, no more than one Dwelling is to be erected or be permitted to remain on any lot.
- (i) Dwellings on lots 220, 221, 240 and 241 must be a minimum of five metres wide and must face a road.
- (j) No Dwelling shall be erected on any of lots 201 to 219 (inclusive), lots 222 to 239 (inclusive) and lots 242 to 252 (inclusive) unless it has an overall minimum floor area of not less than 150 square metres including any garage and verandah.
- (k) Where dual occupancy dwellings are constructed on Lots 220, 221, 240 and 241, each individual Dwelling must have an overall minimum floor area of not less than 120 square metres including any garage or verandah.
- (l) The Owner will not raise an objection, make any Claim, refuse to settle or lodge any submissions in respect of the restrictions contained in this clause 5.
- 5.2 Building Style and Materials
- (a) No Dwelling is to be erected on the Land unless the footings of such Dwelling have been assessed and designed by a properly qualified geotechnical or structural engineer.
- (b) No Dwellings are to be erected with external walls other than brick, stone, concrete, glass, or timber or any combination of the same. The inner framework of external walls may be constructed of timber or other materials.
- (c) No garage, carport, shed or outbuilding are to be erected or permitted to remain on the Land unless it is erected after or concurrently with the erection of the main Dwelling on the Land and is of a character consistent with the main Dwelling.
- (d) Transportable buildings are not permitted to be erected or stored or kept on the Land.
- 5.3 Driveways
- (a) Each driveway constructed must have a width of not less than 2.5 metres.

6 OCCUPATION

6.1 The Owner must not:

- (a) use or permit the Dwelling to be used for any other purpose than a single family house or as permanent residential accommodation including under leases subject to the *Residential Tenancies Act 2010* (NSW);
- (b) further subdivide the Land;

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-
- (c) commence the installation of any Improvements/ Extensions to the Dwelling or excavation on the Land unless plans and designs for those Improvements/ Extensions have been approved by the Seller or its representative and a building permit has been issued by the Seller, its representative or a private certifier; or
- (d) except for a fireplace within the Dwelling, erect or install on the Land any incinerators or burners and the Owner shall not burn off any material or rubbish on, in or about the Land.

7 USE AND RESIDENCY

- 7.1 The Owner must keep and maintain the Dwelling and all landscaping, trees, shrubs, lawns and gardens on the Land, as well as the lawn between the Land boundary and the road kerb in good order and condition acceptable to the Seller or its representative. Such order and condition is to minimally require the adequate watering of all garden and lawn areas (within current Dubbo Regional Council guidelines), the frequent mowing of lawns and trimming of lawn edges and the regular maintenance of plants and trees.
- 7.2 The Owner must not store or leave on the Land any materials or equipment other than during the period of construction of a Dwelling or any Improvements/ Extensions on the Land, nor carry out on the Land, repairs to or maintenance of any vehicle or equipment in such a way as, in the Seller's or its representative's opinion, is likely to cause nuisance or annoyance or detract from the amenity of the Development and/ or the area.
- 7.3 The Owner must not, without the express prior written consent of the Seller or its representative, use any Dwelling, garage or outbuilding as a showroom, shop or display house.

8 MAINTENANCE OF THE LAND

- 8.1 The Owner must not allow weeds or grass on the Land to exceed more than 200mm in height, nor bring onto or allow on the Land or adjoining lots or footpaths any rubbish, spoil or unsightly materials. In the case that the Land is tenanted, it is the Owner's responsibility to ensure that tenants comply with this requirement.
- 8.2 The Owner authorises the Seller or its representative, and the Seller or its representative may elect, to maintain the Land (should the Owner not do so to the standard required by the Seller or its representative) and grants access to the Land for this purpose. The Owner agrees to reimburse the Seller or its representative, upon demand, for expenses incurred by the Seller or its representative in maintaining the Land on the Owner's behalf.

9 ANIMALS

- 9.1 The Owner may keep on the Land:
- (a) goldfish or other similar fish in an indoor aquarium;
- (b) up to two domestic cats or up to two small or medium size dogs or one domestic cat and one small or medium dog;
- (c) canaries, budgerigars or similar birds must be kept indoors or within a designated enclosure at all times;

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-
- (d) a guide dog, hearing dog or other animal trained to assist to alleviate the effect of a disability of an Owner or another person who lives on the Land who needs the dog or other animal because of a visual disability, a hearing disability or any other disability.

9.2 The Owner must not keep an Excluded Dog on the Land.

10 SIGNS

- 10.1 The Owner must not, without the Seller's or its representative's prior written consent, erect on the Land or adjoining footpath or fix to any building or fence on the Land or permit to be erected or fixed, any signs, hoardings or advertisements of any kind except a sign, of no more than 1.08 square metres (900mm x 1200mm) in area, of a contractor actively carrying out work on the Land (together with such other signs as Workplace Health and Safety or planning regulations require) and a maximum of 1 sign no more than 1.08 square metres (900mm x 1200mm) in area advertising the Land for sale.
- 10.2 The Owner authorises the Seller or its representative to enter upon the Land to remove any signs or advertising not complying with this clause 10 and agrees that such entry and access does not constitute trespass.

11 APPROVAL OF PLANS FOR EXTENSIONS/IMPROVEMENTS

- 11.1 Prior to the Owner commencing any work that is an Extension or an Improvement, the Owner must first comply with clauses 6, 7 and 8 of the Design Guidelines.
- 11.2 The Owner acknowledges that any approval granted by the Seller or its representative pursuant to this Clause 11 and clause 8 of the Design Guidelines are in addition to, and not in place of, any approvals required to be given by any other competent authority, including Dubbo Regional Council in its capacity as the local government authority under the *Local Government Act 1993* (NSW) and the planning authority under the *Environmental Planning and Assessment Act 1979* (NSW). The Owner agrees not to place any reliance on the Seller's or its representative's approval and acknowledges that the Seller or its representative's approval does not constitute any representation as to the adequacy, suitability or fitness of any building plan or Building Works.

12 REQUIREMENTS OF THE EXTENSIONS/ IMPROVEMENTS

- 12.1 The Owner will carry out all Building Works and/ or works in respect of any Extensions/ Improvements strictly in accordance with the plans, details and conditions approved by the Seller pursuant to clause 11 of these Building Covenants and clause 8 of the Design Guidelines, and will obtain the Seller's or its representative's prior written approval of any variation in relation to the approved plans, details and conditions which the Owner wishes to implement and which affects in any way the Dwelling on the Land.
- 12.2 The Extensions/ Improvements of the Dwelling must proceed continuously after commencement and without undue interruptions until the Extensions/ Improvements are in all practical respects completed. Any subsequent construction of fences, walls, a driveway or pool and the like, whether undertaken by the Owner and/or by others on the Owner's behalf, must be carried on to completion in all respects without undue interruption or delay.

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12.3 The aesthetic quality of the Extensions/ Improvements in general and its appearance from the adjoining street in particular, in the Seller's or its representative's opinion, must be such as to contribute to or not detract from, the amenity of the Development and/ or the area.

12.4 All Building Works constructed upon the Land must be constructed by a registered and licensed builder in a proper workmanlike manner.

13 CLOTHES DRYING AND OTHER STRUCTURES

13.1 Clothes drying courts and other structures must be designed and constructed in accordance with clause 28 of the Design Guidelines.

14 GARDEN SHEDS

14.1 Garden sheds must be constructed in accordance with clause 29 of the Design Guidelines.

15 TRANSMITTING AND RECEIVING DEVICES

15.1 The Dwelling must not have any television, radio or other aerial antennae, dish or tower or any other transmitting or receiving device:

(a) which is constructed or installed above the front elevation of a roof of the Dwelling;

(b) which is prominent from outside the street elevation of the Dwelling; or

(c) in the case of a satellite or similar dish, which has a diameter in excess of 85cm.

16 AIR-CONDITIONING

16.1 Where installing air conditioners on the Land, the Owner must ensure that it is installed in accordance with clause 30 of the Design Guidelines.

17 SERVICES

17.1 The Owner and Seller acknowledge and agree that if a water supply pipeline or sewerage pipeline, an underground electricity supply cable, an underground telephone service cable, a stormwater or other drainage pipeline or any other similar pipelines or services traverse the Land (whether on, above or below the surface of the Land), then the Owner must accept title to the Land subject to any rights of the local authority, government department or person or company or body corporate in respect of such pipelines and cables and must not make any requisition or objection in respect of the same nor is the same to be subject to any claim for compensation.

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18 DISCLAIMER

18.1 The Seller or its representative will not be obliged in any respect to enforce these covenants and further any enforcement by the Seller or its representative of these covenants is in its absolute discretion and the Owner agrees that it will make no claim against the Seller or its representative if the Seller or its representative elects not to enforce the covenants.

19 NO MERGER

19.1 The Owner and the Seller agree that all of the covenants and agreements in these Building Covenants will remain in full force and effect against the Owner and the Owner's successors, administrators and assigns in favour of the Seller and its successors, administrators and assigns notwithstanding the completion of the sale and purchase of the Land and the registration of a transfer of the Land in favour of the Owner.

20 ENTRY ONTO THE LAND BY THE SELLER

20.1 The Owner and Seller agree that if and whenever the Owner or any successors in title make any default under these Building Covenants, the Seller or its representative, without prejudice to its other rights, remedies and powers, is at liberty to enter upon the Land to perform such work as is necessary to comply with these Building Covenants and the Seller or its representative are entitled to recover the cost of the work from the Owner or any successors in title.

20.2 The Owner agrees that access or entry onto the Land by the Seller or its representative pursuant to Clause 20.1 does not constitute trespass.

21 SELLER'S DISCRETION

21.1 The Owner may apply to the Seller or its representative for consent to complete Building Works on the Land and other Owners of lots in the Development may apply to the Seller or its representative for consent to complete Building Works on those lots which do not comply with these Building Covenants. The Seller or its representative may grant or refuse the application in its absolute discretion, and the Owner cannot make a claim against the Seller for granting or refusing any such application.

21.2 The Seller or its representative reserves the right to vary these Building Covenants for future lots in the Development.

22 SUSPENSION OF ACCESS

22.1 The Seller or its representative may temporarily suspend access to, and use of, parts of the Easement Site in an emergency or for maintenance purposes on the following conditions:

- (a) except in an emergency, the Seller must give reasonable notice of its intention to suspend use of parts of the Easement Site by notice posted on or near the relevant area; and
- (b) the Seller must suspend use of parts of the Easement Site only for the period required to remedy an emergency or maintain the Easement Site.

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***Name of authority empowered to release, vary or modify the Restrictions on the Use of Land
numbered 3 in the plan.***

Dubbo Regional Council

**TERMS OF THE RIGHT OF CARRIAGEWAY (RC) NUMBERED 4 IN THE ABOVEMENTIONED
PLAN:**

Terms of Right of Carriageway as per Part 1 Schedule 4A of the Conveyancing Act 1919 as
amended together with the following addition:

The registered proprietor(s) of the lots hereby burdened will in respect of the constructed driveway
within the right or carriageway marked (RC) on the plan and servicing all burdened lots, contribute
equally to any financial outlay incurred from the maintenance and repair of any damage due to fair
wear and tear on the driveway. Equal contributions from all proprietors will not apply to accidental or
deliberate damage caused by one or more of the owners.

**TERMS OF EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE (E3)
NUMBERED 5 IN THE PLAN**

An easement for multi-purpose electrical installation, the terms of which are set out in Part C of
Memorandum AG189384.

Name of authority empowered to release, vary or modify the easement numbered 5 in the plan.
Essential Energy

**TERMS OF THE EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE AND VARIABLE WIDTH
(U2) NUMBERED 6 IN THE PLAN**

An Easement for underground powerlines the terms of which are set out in Part B Memorandum
AG189384, as amended together with the following addition:

- (a) The easement will be extinguished upon dedication of the easement site as a road reserve.

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EXECUTED BY ESSENTIAL ENERGY

by its duly appointed attorney under power
of attorney Book ____ No. ____
in the presence of:

Signature of witness

Signature of attorney

Name of witness

Name and title of attorney

Full business address of witness

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The Common Seal of the DUBBO REGIONAL COUNCIL)
was affixed on thisday of 2023)
pursuant to a resolution of the Council dated.....)

Signed:

Signed:

Name:

Name:

Position Held:

Position Held:

**CCL23/200 Community Services Funding 2023/2024 - Community
Benefit Funding in Accordance with Section 356 Local Government
Act 1993**

Attachment 1: COMMUNITY SERVICES BRANCH 409

COMMUNITY SERVICES BRANCH

COMMUNITY SERVICES FUND COMMUNITY ASSISTANCE FUND BODANGORA WIND FARM COMMUNITY BENEFIT FUND

Projected allocations

CHANNEL	GL	2023/2024	2024/2025
Community Services Fund	01.01059.2804.0356	\$ 120,000.00	\$ 120,000.00
Community Assistance Fund	01.01059.2804.0356	\$ 30,000.00	\$ 30,000.00
Bodangora Wind Farm Community Benefit Fund	01.01059.2829.0310	\$ 85,000.00	\$ 90,000.00

Name of Fund	Community Services Fund ::
INTENT:	<i>Provide funding to community organisations to support projects or programs that deliver social, cultural or environmental outcomes to the Dubbo Regional Council Local Government Area.</i>
Division	Community Culture and Places
Program Coordinator & Branch	Manager Community Services
Applications (Rounds)	July and February (twice per financial year)
Eligibility	Organisations must be based and operate within the Dubbo Regional Council Local Government Area. The project / program must be undertaken within the Dubbo Regional Local Government Area. The project / program must address an identified community priority. Applicants do not have any outstanding acquittals or extensions required by another funding stream within Dubbo Regional Council.
Key Criteria	Project or program must deliver social, cultural or environmental outcomes to the Dubbo Region Local Government Area.
Application Process	Via online program: SmartyGrants
Assessment	Assessment panel of staff convened by the Manager Community Services
Recommendation	Director Community Culture and Places
Determination	Councillors
Reporting	Council meeting or standing committee with delegated authority.
Return to Council	Acquittal Report

Gaps	Challenges	Solution
<ul style="list-style-type: none"> Western Region Sports Academy – direct to other funding, State Government. Groups can not apply to cover rent. 	<ul style="list-style-type: none"> Acquittals are not completed by community groups. Community expectation that groups can apply and be granted funding despite having outstanding acquittals. Minority groups find online Smartygrants process a challenge. Contact details not updated by groups. 	<ul style="list-style-type: none"> Change Community expectation - Do not fund groups with outstanding acquittals. Direct groups towards – Community Venue Hire Program. Check SmartyGrants for receipt of acquittals quarterly. Reminder emails sent out twice a year prior to call for applications. Way of reducing outstanding acquittals. CSF guidelines strengthened for more transparency and consistency. Application strengthened to assess capacity and request quotes.

Name of Fund	Community Assistance Fund ::
INTENT	<i>Provide funds to ease the financial burden of not-for-profit organisations that contribute to the creation or enhancement of the community's well-being and amenity within the Dubbo Regional Council Local Government Area.</i>
Division	Community Culture and Places
Program Coordinator & Branch	Manager Community Services
Applications (Rounds)	July and February (twice per financial year)
Eligibility	Applicants must be an incorporated not-for-profit organisation. Organisations must be based and operate within the Dubbo Regional Council Local Government Area. The activity / service must be undertaken within the Dubbo Regional Local Government Area. Applicants do not have any outstanding acquittals or extensions required by another funding stream within Dubbo Regional Council.
Key Criteria	Activity or service must deliver well-being, cultural, economic or environmental outcomes to the Dubbo Region Local Government Area.
Application Process	Via online program: SmartyGrants
Assessment	Assessment panel of staff convened by the Manager Community Services.
Recommendation	Director Community Culture and Places
Determination	Councillors
Reporting	Council meeting or standing committee with delegated authority.
Return to Council	Acquittal Report

Gaps	Challenges	Solutions
<ul style="list-style-type: none"> Western Region Sports Academy – direct to other funding, State Government. Groups can not apply to cover rent. 	<ul style="list-style-type: none"> Acquittals are not completed by community groups. Community expectation that groups can apply and be granted funding despite having outstanding acquittals. Minority groups can find online SmartyGrants process a challenge. Contact details not updated by groups. 	<ul style="list-style-type: none"> Reminder emails sent out twice a year prior to call for applications. Way of reducing outstanding acquittals. Check SmartyGrants for receipt of acquittals quarterly. Direct groups towards – Community Venue Hire Program. CAF guidelines strengthened for more transparency and consistency. Application strengthened to assess capacity and request quotes.

Name of Fund	Bodangora Wind Farm Community Benefit Fund :: Applications invited for up to \$20K – Planning Agreement with Infigen Bodangora Wind Farm (ED17/91516) for 29 years.
INTENT:	<i>Provide funding to not-for-profit community organisations to support projects or programs that deliver social, cultural, economic or environmental outcomes to local communities of the Wellington and villages district.</i>
Division	Community Culture and Places
Program Coordinator & Branch	Manager Community Services
Applications (Rounds)	Annual round each year (February) until budget has been exhausted.
Eligibility	Applicants must be an incorporated not-for-profit organisation. Organisations must be based and operate within the Dubbo Regional Council Local Government Area. The project / program must be undertaken within the Wellington and villages district. Applicants do not have any outstanding acquittals or extensions required by another funding stream within Dubbo Regional Council.
Key Criteria	Project or program must deliver social, cultural, economic or environmental outcomes to the Wellington and villages district.
Application Process	Via online program: SmartyGrants
Assessment	Assessment panel convened by the Bodangora Wind Farm Community Consultative Committee.
Recommendation	Bodangora Wind Farm Community Consultative Committee
Determination	Councillors
Reporting	Council meeting or standing committee with delegated authority.
Return to Council	Acquittal Report

Gaps	Challenges	Solutions
<ul style="list-style-type: none"> Limit of \$10k per application - Bodangora Wind Farm Community Consultative Committee requested to increase the limit to \$20k. Low level of engagement from Wellington Community. 	<ul style="list-style-type: none"> Acquittals not completed by community groups. Money spent on something not outlined in funding application. Project/program not completed within timeframe. Requests to reallocate money. Not spending the entire funding. The Community Groups that include quotes are more likely to complete their project within timeframe. 	<ul style="list-style-type: none"> Reminder emails sent out twice a year prior to call for applications. Way of reducing outstanding acquittals. Check SmartyGrants for receipt of acquittals quarterly. BWFCBF guidelines strengthened for more transparency and consistency. Additional advertising planned. Completed projects highlighted through social media and media. Application strengthened to assess capacity and request quotes.

CCL23/201 Destination Dubbo Funding

Attachment 1: ED23/127921414



PAPER: Wiradjuri Tourism Centre Background, Timeline and Operational Risks

DIVISION: Community, Culture and Places
DATE: 12 July 2023

EXECUTIVE SUMMARY

Purpose	Strategic Project Update	
Issue	Options to consider in the advancement of the Wiradjuri Tourism Centre project in regards to operational considerations.	
Reasoning	As the Wiradjuri Tourism Centre project progresses, there remains cost concerns/difficulties in regards to the ongoing operational model and associated costs.	
Financial Implications	Budget Area	Regional Experiences Community, Culture and Places Division
	Funding Source	NSW Government Infrastructure NSW – Stage 1 Create NSW Creative Capital – Stage 2
	Proposed Cost	\$15,244,897 (Cost Estimate)
	Ongoing Costs	Current budget reflects a \$400,000 p.a. operational deficit.
Policy Implications	Policy Title	N/A
	Impact on Policy	N/A
Consultation	Regional Experiences	Dubbo Aboriginal Community Wiradjuri Technical Advisory Panel Peter Stutchbury Architect Yerrabingin Landscaping Freeman Ryan Design Mitchell Brandtman 5D Quantity Surveyors

STRATEGIC DIRECTION

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

Theme: 5 Liveability
CSP Objective: 5.2 Our First Nations communities and cultures are celebrated and enhanced
Delivery Program Strategy: 5.2.2 The culture of our First Nations communities is

recognised and celebrated

Theme:	5 Liveability
CSP Objective:	5.2 Our First Nations communities and cultures are celebrated and enhanced
Delivery Program Strategy:	5.2.3 Items, areas and places of First Nations cultural heritage significance are protected and conserved
Theme:	5 Liveability
CSP Objective:	5.6 The diversity of our heritage, cultural services and facilities are maintained and promoted
Delivery Program Strategy:	5.6.1 Our community participates in and celebrates the high quality of cultural services and facilities available

BACKGROUND

Report background and reason for escalation:

As part of the Destination Dubbo Project, funded through the NSW State Governments Regional Growth Environment and Tourism Fund and Create NSW, Creative Capital Fund, Dubbo Regional Council has been working, since 2018, in the development of The Wiradjuri Tourism Centre (WTC). The initial timeline of this project was to finalise construction and commence operations in April 2022.

This project is now significantly behind on the agreed delivery schedule. There have been many contributing factors to the delay of the project including COVID19, additional community consultation and funding shortfall delays. These delays have contributed to the ongoing delay and have partially contributed to the cost escalation of the project. This delay has also further exacerbate a large number of underlying operational risks that the project is still set to face. These operational risks have arisen or were unable to be resolved through the development, community and stakeholder consultation, and the design phases of this project.

The initial concept of the Destination Dubbo Project and the Wiradjuri Tourism Centre component of the project was to deliver a much smaller scope than the current proposed design to be constructed. The initial project budget and scope (building and product offering) was smaller, therefore, the ongoing operating costs forecast was minimal. The initial budget business model was based on an existing "Cultural Tourism Product" already operated by Dubbo Regional Council in the Old Dubbo Gaol. The operating budget and resourcing levels were initially planned to be of a similar size to the Old Dubbo Gaol operations and the budget of \$400,000 p.a. allocated to the Wiradjuri Tourism Centre reflected that. This operational expenses required to operate the facility was to be funded through a mix of admission and venue hire income, and Council's General Rates and Revenue. Although the growth of the building and deliverables of the project has increased income generating opportunities, the operational costs have escalated at a significant scale as utilities and cost of living costs have continued to contribute. This project creep through the consultation and the development of

this project, has resulted in the scope shifting to a larger facility, more akin to the Operational Costs of the Western Plains Cultural Centre. This has created significant pressure on the forecast operational budget of \$400,000(p.a.), leading to more than likely budget over spend to keep the facility operational.

This report will provide a full background of the project from inception. The development, funding sourced, consultation and design to deliver the current, state of play for the project. The report will also deliver options for Council to consider in the next phases of the Wiradjuri Tourism Centre, which will deliver direct impacts to the Destination Dubbo Projects and the ongoing financial implications to Council.

Background to the creation of space to celebrate and contemplate

In 2013, the Aboriginal Community led the push for a cultural space to recognise the rich tapestry of the local Aboriginal culture, the broader Wiradjuri Nation and highlight major issues that still resonate with contemporary Aboriginal culture today. The area chosen for this cultural space was Wiradjuri Park, located in West Dubbo just north of the Serisier Bridge. This site was purchased on the early 1990s, and was already known as Wiradjuri Park by the time of the development of the master plan.

A number of improvements including shelters, an amphitheatre with stone wall and grooved stones (transported from, now back to Terramungamine Reserve) had already been added to the site during the 1990s and the early 2000s and were incorporated into the final design. During the development of Wiradjuri Park Master Plan the Dubbo Aboriginal Community Working Party, Wambool Suicide Prevent Group and Council worked collaboratively to design a space that would promote Aboriginal culture, provide opportunities for the development of Aboriginal tourism in the region and to recognise and address a number of topics that still impact and resonate with contemporary Aboriginal culture.

Major components of the master plan included the Three Rivers concept recognising the three major rivers of the Wiradjuri Nation, an amphitheatre, a playground (in the shape of the Rainbow Serpent) and the incorporation of timeline and contemplative elements throughout the space. The design also provided contemplative spaces for parents who had lost children to suicide and during child birth. Several attempts were made to secure external funding for the project following the adoption of the Wiradjuri Park Master Plan, with funding for the pontoon being the only successful application.

In 2016, \$900,000 funding was secured through the NSW Government's Stronger Communities Fund (SCF) to develop an indigenous tourism experience within Dubbo, with \$600,000 funding to be allocated to an experience to be created in Wellington. Whilst further development of the riverine corridor was considered, following community and State Government stakeholder engagement, Council undertook the \$1.2m construction of the award winning Wiradjuri Gardens at Elizabeth Park. This new Garden recognising Aboriginal culture was officially opened on 16 June 2021. Fortunately this space was able to incorporate majority of the cultural interpretation elements that had been prioritised by community for the riverine corridor site. Throughout the community consultation associated with the community led riverine corridor Wiradjuri Park and Wiradjuri Garden, and broader community strategic planning and discussions with industry and state government agencies, it was identified that an anchor facility to support communities desire to protect, educate and

celebrate Wiradjuri culture was needed. It was further recognised that such a facility in the Dubbo region could play an important role as part of a hub and spoke approach to drive visitation to public and private owned indigenous tourism product across central and western NSW.

Background to concept of Wiradjuri Tourism Centre

Dubbo Regional Council's Community Strategic Plan (CSP) and previous economic development strategies of Council identified a number of strategies and actions to grow the visitor economy through growing specific visitor markets, extending visitor spend and nights of stay. Identified as Australia's best regional visitor experience, Taronga Western Plains Zoo (TWPZ) only attracts 1% of international visitors (compared to 38% of international visitors to the Sydney Taronga Zoo). Whilst there has been significant investment at TWPZ in recent years and significant current and future projects being funded and undertaken, Council recognised that the region needed to develop comparable quality experiences to support the growth of both the domestic and the international market.

The desire to grow the regional visitor economy, and long-term community vision for a facility celebrating Wiradjuri culture, strategically aligned with the opportunity to seek funding for a number of proposed capital projects aimed at growing tourism in the region. Following a successful EOI process in September 2018, and Council resolution 26 November 2018, Council submitted a 'Destination Dubbo - International Ready' grant application through the NSW Governments Regional Growth, Environment and Tourism Fund (RGEF) in February 2019. The application was successful in securing \$10,147,000 in addition to a Council contribution of \$2,536,760 and the NSW Stronger Communities Fund of \$900,000 to deliver three capital projects as outlined below. \$4,157,614 of this funding was identified for the Wiradjuri Tourism Centre.

- Wiradjuri Tourism Centre and Wiradjuri Garden
- Old Dubbo Gaol Heritage Plaza and Public Art Installation (First Nations Design)
- Macquarie Foreshore Events Precinct

Since securing funding Council has undertaken further, significant consultation with stakeholders and community in relation to the development of a Wiradjuri Tourism Centre. The consultation has included the creation of a local community, skill based Wiradjuri Technical Advisory Panel (WTAP) to provide project team with essential cultural advice, valuable community direction and guide project appointments. Openly publicised, WTAP intakes occurred in December 2019 and November 2020. The panel had direct input into the development of the experience, commitment to site location, selection of architect and co-design of the building design concept. The panel included a range of indigenous community members including Traditional Owners, business owners, tourism operators, language educators, employment facilitators, youth representatives and cultural educators.

Panel members included:

2020		2021	T/O
Lewis Burns	Traditional Owner	Lewis Burns	Traditional Owner
Brian Ah-see	Community Member	Brian Ah-see	Community Member
Peter Peckham	Community Member	Peter Peckham	Community Member
Anthony Riley	Community Member	Anthony Riley	Community Member
Cherie Thompson	Community Member	Paul Carr	Community Member

Paul Carr	Community Member	Robert Riley	DACWP
Robert Riley	DACWP	Shirley Wilson	DACWP
Nathan Frank	Traditional Owner	Mary Ann Hausia	DACWP
Shirley Wilson	DACWP	Tony Fuller	Community Member
Mary Ann Hausia	DACWP	Paycee Cubby	Community Youth Member
		Charlie Trindall	LALC
		Amy Cubby	Community Member
		Tatum Moore	Community Member
		Ashleigh Knight	DACWP

Table 1. Members of the Wiradjuri Technical Adversity Panel (WTAP)

Background to engaging with community to take the Wiradjuri Tourism Centre concept to detailed design

In 2020 and 2021, a contract Tourism Product Development Manager was engaged to progress the development of the Destination Dubbo project. The Manager worked closely with community, primarily through the Wiradjuri Technical Advisory Panel (WTAP) to establish an in depth understanding community needs and expectations and ensure the project remained in line with initial scope and funding requirements.

As part of this period of consultation, it was recognised that to achieve the full vision of the local Aboriginal community, the facility would need to be much larger and delivered in a staged approach. The initial Destination Dubbo Project funding was expected to fund Stage 1 to be designed and constructed, whilst still maintaining to meet the initial funding objective and outcomes. The increased design requirements, project creep and cost escalations due to delays and the building industry changes since 2019 has resulted in significant increased construction costs of Stage 1 and higher than expected fit out costs for Stage 2 as demonstrated in Table 1. Total project projected costs for **Stage 1 and 2** currently is estimated at **\$15,244,897** (Stage 1 QS \$7,446,939 + Spend to date \$863,888 + Stage 2 QS \$6,934,070)

Stage	High level Inclusions	Cost and Status
Stage 1:	Entrance Foyer with Ticketing Café (indoor and outdoor dining) Souvenir Retail Shop Commercial Art Gallery Museum Exhibition Space Museum Storage and Curator Space Artist in Residence Studio Workshop Public Amenities Limited Elder Car Parking	Funded: \$4,049,047 Part of the Infrastructure NSW Destination Dubbo Funding. Spend to Date: \$863,888 (includes commitments) Current QS budget requirement: \$7,446,939
Stage 2:	Holding Place Multi-Function Rooms - Education Rooms	Funded: \$4,999,958 Create NSW Creative Capital Fund

	<ul style="list-style-type: none"> - Conference Space - Events Space - Office Space Touring Exhibition Space Immersive Experience space Tourism Business Development Hub 	<p>Current QS budget construction requirement: Basic Exhibition Fit-out: \$5,054,070</p> <p>High End Fit-out*: \$6,934,070 *Additional \$1,880,000 for fit-out</p>
Stage 3:	General car parking and increased elder parking/access	UNFUNDED. Unsuccessful application made to NSW Governments Regional Tourism Activation Fund Stream 2.
Stage 4:	Fencing around precinct <i>(potential to be included in an Elizabeth Park fencing project)</i>	UNFUNDED. Unsuccessful application made to Australian Governments Safer Communities Fund Round 6.

Table 2. Staged costing and expected funding requirements and gaps.

High Level Timeline for the Wiradjuri Tourism Centre

2013	Aboriginal community led a push for development of Cultural space Within Wiradjuri Park. Supported by masterplan. Number of submissions made but it didn't create jobs.
2016	\$900,000 was provided through NSW Stronger community fun. To support Aboriginal Tourism Experience. Community consultation on Wiradjuri Garden commenced.
2017	Further Community Engagement on development of Wiradjuri Gardens identifies need for building. Highlighted desire for a physical building to support the experience and provide a building to support return of scared tree to Country. Concept design created for a building alongside the Wiradjuri gardens.
September 2018	EOI made to NSW Government for Funding. Construction of a new tourism centre based on 2017 community consultation (450sq metres) in Dubbo's Elizabeth Park to exhibit repatriated sacred Aboriginal carved trees currently held in storage at the Australian Museum; creating a cultural experience truly unique to this region, exhibiting these Indigenous artefacts that will be the only location in the world to display this national significant collection.
Feb - May 2019	Business case for project submitted. With Letters of support from community "advocating for a cultural centre with the repatriation or long term loan of cultural objects with the museums and galleries with the carved trees as a centrepiece".
October 2019	Funding announced = \$4,049,047 For Wiradjuri Centre Stronger Country Fund. (as part of the Destination Dubbo Project)

2020	<p>Deed signed Wiradjuri Cultural Tourism Centre Stage 1 (April). Project Development Manager appointed. Skill based Wiradjuri Tourism Advisory Panel established (with 10 members).</p> <ul style="list-style-type: none"> • Wiradjuri culture and language • Tourism operations • Economic development (business/employment/skills) • Local Aboriginal community engagement <p>Meetings once per month. 4th Thursday of each month since Feb 2020. Community member keen to participate but concern around public acknowledgement of their involvement.</p> <p>Three construction locations explored, prefer location identified. Detailed engagement plan agreed and implemented.</p> <p>In addition to WTAP Extensive Community consultation undertaken including two Inter- agency Meetings, 51 different Aboriginal Agencies, Traditional Owners, Organizations and Community Groups and community Yarn ups. Mixed views regarding Council's involvement in construction and operation raised by community.</p> <p>Endorsed business case including budgeted \$400,000 operational cost. Based on estimated 50,000 high requirement from community for the project to be designed, built and operated by aboriginal people and the project has tried to meet this expectation.</p> <p>Community led content creation commenced.</p> <p>Included Community led decisions regarding displays of some trees, or representation of other trees that was culturally appropriate Letter sent to Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation in support of any future application they may make of identified carved trees to be moved from the Centre to Jinchilla, or another location, if supported by the museum and local community.</p>
2021	<p>Skill based Wiradjuri Tourism Advisory Panel established with 14 members. Extensive Community consultation continued. Engagement with Australia Museum .</p> <p>Regarding repatriation of objects and province program. Council was advised The Australian Museum currently only loan artefacts to government organisations based on legalities, insurance and legislation.</p> <p>Scope of project expanded to meet community needs. Including separate building for trees.</p> <p>Wiradjuri Garden completed. Tender process undertaken.</p> <p>5 concepts shortlisted.</p> <p>Architect appointed. Significant change to proposed Project Outcome with removal of trees.</p> <p>At the time of tender development and grant submission, community was supportive of the possible repatriation of Carved trees in storage at the Australian Museum, some since 1891. Change in community sentiment regarding trees including from traditional owners (one who was a member of Advisory Panel) and community cohesion on the matter changed September 2021.</p>

	<p>Funding partners agree to still fund project with Removal of scared trees from project scope (November 2021).</p> <p>Community still desire holding place still proposed for stage to for artefacts.</p> <p>With the trees removed from the project Community development of the Holding Place within the grounds of the Wiradjuri Tourism Centre to ensure the region is future proofed for the return of artefacts to country from personal, museum, gallery or cultural collections.</p> <p>Unsuccessful recruitment for Indigenous Curator Position.</p> <p>Community led appointment of exhibition design company.</p>
March 2022	<p>Detailed designs underway.</p> <p>Scope expansion identified need for a staged approach.</p> <p>Including spate holding place.</p> <p>Business plan reviewed based on content alteration to support visitation and cultural outcomes.</p> <p>Examining ways with community to still meet objective of cultural tourism without key centred cultural outcomes of trees, and fund a separate holding place for other artefacts.</p> <p>Stage 2 application made.</p> <p>Touring exhibition space, immersive exhibition space, Aboriginal business development hub, multi-purpose educational, corporate and event spaces, and Wilay Wiradjuri Keeping Place.</p> <p>Initial content designs created.</p> <p>Unsuccessful recruitment for Indigenous Curator Position.</p> <p>Wiradjuri Tourism Centre Committee established.</p>
Sept 2022	<p>Deed signed Wiradjuri Cultural Tourism Centre Stage 2, Educational Safe Keeping Place (\$4,999,958) with Create NSW Creative Capital Fund.</p>
April 2023	<p>Designs for stage 1 and stage 2 finalised.</p> <p>DA package finalised.</p>

Operational Business Structure Options Considered

In development of the Wiradjuri Tourism Centre and the determination of the appropriate business model to meet funding requirements and community expectation, many different business options were considered. This section of the report identifies the most significant decision points through the initial development of business delivery. In consultation with community and industry stakeholders, the most appropriate business options to move forward with, at this stage of the project, are identified below. The model still allows the flexibility to change the business delivery to meet community expectations, industry changes and availability of contractors and staff to deliver the model.

Throughout the consultation period with the WTAP, these options were raised and discussed as part of the facility design to ensure community understood the outcomes required from the facility and how Council and Community could best deliver these outcomes in an authentic, environmentally and financially sustainable business model. It was discussed at length, throughout the consultation, the need for Aboriginal organisations and community to help activate the experience, to ensure the level of authenticity and ensure success of the

facility in cultural, social and economic outcomes. This would ensure the facility had “Aboriginal people telling Aboriginal stories” During this consultation, WTAP endorsed the proposed operating structure for Stage 1 noting the strong desire to have any external contractors and Council staff be Indigenous, with a preference for Wiradjuri where possible.

The pricing structure for ticketing of the paid tourism experience have acknowledged community feedback through the consultation process. Although ticketing revenue needs to contribute to the overall financial viability of the facility, consideration was given to community concerns in regards to affordability of ticketing to attract and educate a larger visitation of local, domestic and international visitors. Council also acknowledged particular feedback highlighted earlier in the report of some members of community fearing Council was commercialising Indigenous culture for profit. Ticketing was determined to remain a highly affordable family ticket price, well below other attractions in the region. As part of the ongoing governance of the facility, this pricing model was identified to be reviewed by Council’s Advisory Committee to ensure the balance of affordability and financial sustainability of the facility into the future, ensuring any additional workshops, education and activation can be delivered within the determined budget.

The development of management and operational structures for the Centre have been discussed with the Wiradjuri Technical Advisory Panel, individual stakeholders who have expressed interest in the facility and Council’s Executive Leadership team. Based on these discussions the preferred options are listed below, in addition to second and third options. Preferred options have been identified with a focus on ensuring quality authentic experience is delivered in line with community expectations, whilst also supporting longer term financial viability and providing some opportunity to the private sector to be involved in this exciting facility. Some of the preferred operational options may not be achieved if there is not required interest of the private sector or community buy-in. If this is the case, other options may need to be explored.

Overall business operation - current proposed option:

The currently proposed option would ensure the direction of the facility was community-led with a strong cultural lens applied through the governance structure and secure indigenous employment opportunities whilst also utilising in house skilled staff to provide financial, tourism, business, collection and interpretation direction.

Proposed Option	Alternate option 1	Alternate option 2
Facility operated by Council working with community through an Advisory Board to oversee governance of the strategic and operational outcomes.	Facility handed to community based organisation for the full operational and maintenance responsibility to deliver to community and visitors.	Facility operated by Council without Indigenous Community Governance and oversight.
Risks		
Risk minimised by ensuring facility is operated within the structure of Council	Ability to identify an organisation with the skills and financial commitment	Extreme risk of community and funding outcomes not being achieved.

Cultural Tourism Businesses. Efficiencies can also be achieved through alignment with similar facilities including asset and resource management.	to undertake product remains difficult.	
Outcome		
Advisory board will ensure facility and strategic direction is led by community. This will ensure community outcomes remain a key deliverable of the facility. Skilled, long-term employment opportunity for indigenous employees through Council.	Risk to Council of a suitable organisation being unable to deliver on facility requirements and maintain financial sustainability.	Inappropriate for the structure to not include community and First Nation voices in the ongoing operation of a significant facility.

Business delivery – Café and ticketing service:

Preferred option allows Council resources to be allocated to building maintenance, programming and exhibition development allowing private sector the opportunity to deliver services that are not considered core business of Council.

Proposed Option	Alternate option 1	Alternate option 2
Contractor undertaking Café operation and ticket sales to experience.	Contractor Operating Café Council Staff undertaking ticket sales to paid experience.	Café and ticketing operated by Council Staff.
Expected Impact		
Stage 1 & 2: Expected Lease income: \$25,000p.a.	Stage 1 & 2: Expected Lease income: \$25,000p.a.	No lease income.
Negotiated ticket commission with contractor.	Full ticket income remaining with Council.	Full ticket income remaining with Council.
Minimal costs to Council in staffing the service/facility.	Moderate costs to Council in staffing the service/facility.	High costs to Council in staffing the service/facility.

Exhibition and Programming delivery: Preferred option allows flexibility and consistency in the development and delivery of exhibition services, installations and programming. Risk of ensuring quality of the product is minimised with this hybrid model of internal and external delivery.

Proposed Option	Alternate option 1	Alternate option 2
Programming managed largely by existing Council staff working with a mix of external contractors and internal staff to provide a range of tours, workshops, classes and event activations.	Programming managed by external contractor engaging other external contractors to provide a range of tours, workshops, classes and event activations.	Programming managed largely by existing Council staff working with external contractors to provide a range of tours, workshops, classes and event activations.
Expected Impact		
Council has a number of skilled curatorial, collection and education staff. Commitment to employ Council's first Indigenous Curator in addition to indigenous employment at the centre. Opportunity through this offer Tour Guide training and staff exposure to other tourism experiences operated by Council.	Potential limited ability to identify a suitable organisation to facilitate this as a contract. Flexibility and transparency around broader community engagement and partnerships could be limited through control of a single contractor.	Council has a number of skilled curatorial, collection and education staff. Commitment to employ Council's first Indigenous Cultural Development Officer and ongoing Indigenous skilled employment at the centre.
A mix of internal and external delivery will ensure consistency, variety and transparency.	Limits Council's opportunity to offer long-term skilled positions and career paths.	Moderate risk of external contractors not providing timely or quality product.
The mix of Council employees and paid contractors delivering products and services will ensure the greater chance of the facility reaching its potential.	Risk of facility not fulfilling its potential as a significant economic driver and cultural hub for regional tourism businesses.	Poor perception of Council not providing stable and valuable engagement and activation opportunities for community and private sector.

Business and community activation: Preferred option maximises activation of the facility with a balance of structure and private sector partnership, support development and expansion of local Indigenous tourism businesses.

Proposed Option	Alternate options
Mix of long-term leases, short hires and third party businesses delivering tourism experiences, with all arrangement reviewed and approved through Advisory Board. <ul style="list-style-type: none"> Potential long-term third-party leases for café, indigenous business hub and education centre. 	Business Development Hub operated by Council employees. To not have a business development hub within the facility. Business development opportunities would remain limited to local artists selling work. No additional tourism experiences provided

<ul style="list-style-type: none"> Structured partnership program with a range of indigenous businesses to provide paid tourism / education experiences at the facility, commence from the facility or be promoted at the facility. Community and commercial hour and day hire charges for use of the facility for meetings and events. 	<p>at the facility outside the commercial gallery, public exhibition, travelling exhibitions and immersive experience. Engage a central agency or organisation to run all tourism experiences through the site.</p> <p>No meeting or event hires at the facility limiting competition with other council and private owned event/meeting facilities.</p>
Expected Impact	
Income generating for facility in the form of leases, percentage income of tourism activation and income from hires.	Management of a business hub would add significant operational cost to Council and there are already local operators in this space.
Align facility to support strategic programs to support indigenous business development and tourism-based employment. Ensures range of authentic experiences on offer through the centre, which is led by community. Council staff focus on engagement of supplies and administration of the experiences on offer.	Removes opportunity for a private organisation to offer a better service, or Council undertaking a service that is being setup elsewhere within region.
Initial conversations have commenced with organisations interested in delivering a business hub as well as a range of tourism businesses interested in supplying services through or within the facility.	Community have strongly indicated a desire for the centre to support development and expansion of local indigenous businesses. Support local indigenous development was a key outcome aligned to the stage one funding application.

Previous Resolutions of Council

28 February 2022	<ul style="list-style-type: none"> Council acknowledges the contribution of the Wiradjuri Tourism Centre to the region's visitor economy and community engagement. Council endorses the Chief Executive Officer to progress the successful Expression of Interest application to apply for \$5,000,000 with NSW Government agency, CREATE NSW's Creative Capital funding stream for the delivery of Stage 2 of the Wiradjuri Tourism Centre. If the funding application is successful, Council endorses Stage 2 of the Wiradjuri Tourism Centre be construction in parallel with Stage 1, noting the project delivery efficiencies in addition to the associated stage 2 asset depreciation, operating costs and income opportunities.
26 November 2018	<ul style="list-style-type: none"> That following an appropriate internal feasibility review the

	<p>Chief Executive Officer be authorised to submit a Business Case to the Regional Growth Environment Tourism Fund for <i>Destination Dubbo – Internationally Ready</i></p>
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Table 3. Previous resolutions of Council relevant to this project

Council has recently undertaken a Proposed Amendment to the Dubbo Local Environmental Plan 2011. The Planning Proposal seeks to undertake an amendment to Schedule 1 and the Additional Permitted Uses Map – Sheet APU_007 of the Dubbo Local Environmental Plan 2011. The proposed amendment will allow the development of an information and education facility on the land, subject to development consent from Council.



Image 1. Location of the proposed Wiradjuri Tourism Centre within Elizabeth Park.

REPORT

Consultation

Consultation on Wiradjuri Tourism Centre Funding Discussions

- Regional Experience Branch
- Wiradjuri Technical Advisory Panel (now discontinued)
- Wiradjuri Committee of Council
- Julie Paton – NSW Government – NSW Infrastructure (through Director)
- Michael Chance and Abigail David – Create NSW Infrastructure
- Angela Shephard – NSW Government, Department of Regional NSW (through Director)
- Peter Stuchbury Architects (Consultants)
- MitchellBrandtman 5D Quantity Surveyors & Construction Expert Opinion (Consultants)

Consultation on Wiradjuri Tourism Centre

- Over 24 months of community consultation with:

-
- The Wiradjuri Technical Advisory Panel (WTAP)
 - Local Wiradjuri Elder Groups
 - Indigenous Tourism Business Operators
 - Tourism Industry
 - Government Agencies (Indigenous and Tourism)
- Concerns raised through consultation period include:
 - Repatriation of Sacred Trees from Australian Museum to the Wiradjuri Tourism Centre was not supported by Aboriginal Community Representation. This was the primary outcome of the original project scope but was removed from the outcomes list as the primary outcome of this facility upon community request.
 - Separate location (from main building) for the repatriation of artefacts to Country. Artefact storage area was requested to be elder and community led.
 - Governance Structure of Indigenous advisory board to oversee the strategic and operational outcomes of the facility.
 - Concerns raised that Council had created this facility as a profit driven enterprise to subsidise Councils other operations.
 - Ticketing must remain affordable to all socioeconomic status of patrons.
 - Ensure the interpretation on the site was led by community, ensuring content was appropriate. Ensuring the themes and stories enabled Aboriginal Stories to be told by Aboriginal People.
 - Aboriginal employment to be prioritised at the facility where possible. Employment of an Aboriginal Curator as well as operational, maintenance and tour guide/programming staff.
 - Management of the facility by non-Indigenous manager and team was raised as an issue through the consultation. It was requested the facility should be 100% led and operated by Aboriginal people.
 - Indigenous products and art to be sold through the facility providing opportunity to Aboriginal artists with Wiradjuri artists given priority. Products need to be authentic, with a preference for handmade where possible.
 - Café operations to be operated by an Indigenous contractor or staff in the first instance unless unable to be sourced. If an Indigenous operator or staff are unable to be located, indigenous inspired food and beverage products to be provided.
 - Indigenous Tourism Hub to be delivered at the facility to promote a “Hub and Spoke” approach to the diverse Indigenous experiences within the Dubbo and surrounding regions.

Additional Engagement undertaken by Tourism Product Development Manager:

INTER-AGENCY & COMMUNITY GROUP ENGAGEMENT

Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation	Department of Education
Dubbo Health Service, Western NSW LHD	Department of Family and Community Services
Indigenous Consumer Assistance Network	Dubbo Health Service, Western NSW LHD
Aboriginal Affairs	FACS NSW

Aboriginal Employment Services	First Lesson Cultural Tourism
Aboriginal Employment Strategy	Guide Dogs NSW / ACT
Aboriginal Housing Office	Housing Plus
Aboriginal Land Council	Indigeco
Local Aboriginal Land Council	Interrelate
NSW Aboriginal Land Council	Legal Aid NSW
Aboriginal Legal Service	Live Better
Australian Bureau of Statistics	Mission Australia
Charles Sturt University	Mission Australia, Youth on Track
Charles Sturt University, Dept of Rural Health	National Indigenous Australians Agency (NIAA)
Commonwealth Respite and Carelink Centres	Native Secrets
Connecting Community Services	NSW Aboriginal Education Consultative Group
Department of Communities and Justice, Housing Services	TAFE NSW
WACHS	Three Rivers Regional Assembly
Wellways	Transport for NSW
Wesley Mission	Tubba-Gah Maing Wiradjuri Aboriginal Corporation
Western Health NSW	Uniting, Aboriginal Families Together
Westhaven Association	Uniting, Brighter Futures & Communities for Children
Wiradjuri Technical Advisory Panel	University of Sydney, School of Rural Health
Dubbo Aboriginal Community Working Party (DACWP)	ICaN Nursery Owner
Indig Connect	Tubba-Gah Aboriginal Corporation

Table 4. Organisations engaged through consultation by Tourism Product Development Manager

ACADEMIC & TECHNICAL ENGAGEMENT

The University of Sydney	Dr Gaynor Macdonald; <i>Senior Lecturer, Consultant Anthropologist</i> Department of Anthropology, School of Social and Political Sciences, Faculty of Arts and Social Sciences
	Dr Lynette Riley; Senior Lecturer. SSE&SW - Program Director - Indigenous Studies & Aboriginal Education FASS - Co-ordinator Indigenous Studies Major (ISM)
	Matt Poll Macleay Museum Indigenous Heritage Collections University of Sydney Repatriation Project Officer. Board Member at Orana Arts

Australian Museum	Rebecca Fisher Collections Officer, Aboriginal & Torres Strait Islander Cultural Collection Engagement, Exhibitions & Cultural Connection
	Phil Gordon Repatriation Officer, Aboriginal & Torres Strait Islander Cultural Collection Engagement, Exhibitions & Cultural Connection
	Dr Mariko Smith Yuin, Japanese Manager, First Nations Collections & Engagement First Nations
	Jodie Dowd Noongar Menang, Gitja, Wangai Collections Officer, Aboriginal and Torres Strait Islander Cultural Collections Engagement, Exhibitions & Cultural Connection
Charles Sturt University	James McKechnie Director, External Engagement, Dubbo Office of Industry & Engagement
	Justin Williams Development Officer Advancement Office
Office of Environment & Heritage	Allira Chatfield Heritage Operations Officer – North West Heritage NSW Community Engagement Department of Premier and Cabinet
Cultural Advisory	Diane Riley-McNaboe Educator, Artists, Cultural Advisor

Table 5. Organisations engaged through consultation by Tourism Product Development Manager

Resourcing Implications

The current forecast budget in the adopted forward budget of Dubbo Regional Council allows for a \$400,000pa (with no yearly increase) for the Wiradjuri Tourism Centre. The following tables outline the original forecasts of expected income and expenses before cost escalations and expected difficult operating conditions that are likely to make up the forward operational environment. These include impacts to expenditure such as utilities and staffing costs as well as higher than expected specifications in humidity and temperature controls across multiple buildings and increased capacity of the exhibition and open spaces.

Stage 1 Wiradjuri Tourism Centre

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	0	(200,000)	(200,000)	(205,000)	(210,000)	(215,000)
b. Operating expenses	0	600,000	600,000	605,000	610,000	615,000
c. Operating budget impact (a – b)	0	400,000	400,000	400,000	400,000	400,000
d. Capital Expenditure	4,157,614	0	0	0	0	0
e. Total net impact (c – d)	4,157,614	400,000	400,000	400,000	400,000	400,000
Does the proposal require ongoing funding?	Yes					
What is the source of this funding?	Approved in forward Operational Budget.					

Table 6. Original Estimations of ongoing Financial Implications Stage 1

Stage 1 & 2 Wiradjuri Tourism Centre

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	0	(530,000)	(530,000)	(540,000)	(550,000)	(560,000)
b. Operating expenses	0	930,000	930,000	940,000	950,000	960,000
c. Operating budget impact (a – b)	0	350,000	350,000	350,000	350,000	350,000
d. Capital Expenditure	15,244,897	0	0	0	0	0
e. Total net impact (c – d)	15,244,897	400,000	400,000	400,000	400,000	400,000
Does the proposal require ongoing funding?	As identified in Stage 1, potential estimated reduction on Total net impact. Increase of depreciation of \$125,000 p.a. for Stage 2 works.					
What is the source of this funding?	Approved in Adopted Forward Operational Budget.					

Table 7. Original Estimations of ongoing Financial Implications Stage 1 & 2

Operational Risks

The following table identifies current risks that are impacting the Wiradjuri Tourism Centre (WTC). In isolation, each have opportunities to be addressed and worked through or alternatives undertaken. However, when combined, the multiplied pressure on the project

and the increased risk to the organisation and Council needs to be identified and considered to ensure all information is available to make an informed decision on the best path forward in the Wiradjuri Tourism Centre Project. This project was always a large undertaking for Dubbo Regional Council to undertake as a major capital project with cultural, social, economic and community impact. The project always contained a high degree of risk due to the complex nature of the project and its diverse range of outcomes. As such, the impact of external factors and diversity of opinions within community has amplified the potential risks and difficulty in delivering the project to meet community need. This coupled with the many non-related issues and projects Council is undertaking and working through currently, places even further pressure and constraints with how Council could proceed with this project.

Risk	Current Situation	Possible Alternatives
Construction Funding Shortfall - Capital	<p>The current construction and fit-out costs of the WTC is estimated at \$15,244,897.</p> <p>The current stage 1 and stage 2 combined funded budget is \$9,747,711.</p> <p>There is the potential to reallocate \$2.6m of the Event Precinct (on approval from Infrastructure NSW) to help fund the WTC and removal of the Interpretation Component of \$1.8m from the delivery of the project.</p> <p>There is still a capital funding shortfall and a reduction in interpretation product will directly impact the admission revenue and appeal of the product impacting the overall ongoing operational financial sustainability.</p>	<p>DRC does not proceed with Wiradjuri Project at this time with current funding partners.</p> <p>The project proceeds through to Construction Certificate and a new project undertaken to identify and pursue other, fully costed funding opportunities through State and Federal funding partners.</p> <p>With Infrastructures NSW funding the project will be “shovel ready” and provide a more defined project and appealing project for funding opportunities.</p>
Quantity Survey (QS) versus Actual Build costs	<p>The current budget is based on a Quantity Surveyors (QS) Report by MitchellBrandtman.</p> <p>The risk is high, in a volatile building market that is currently still over committed and under resourced that the construction cost of the WTC may be higher than the QS and therefore current budget commitment from DRC and Funding Partners.</p> <p>It has been made very clear from both Infrastructure NSW and CREATE NSW there are no opportunities for additional funds or</p>	<p>DRC does not proceed with Wiradjuri Project at this time with current funding partners.</p> <p>The project proceeds through to CC and a new project undertaken to identify and pursue other, fully costed and funded funding opportunities through State and Federal funding partners.</p> <p>This will also allow the Construction Industry to settle more after the impact of COVID and the changing landscape of</p>

	<p>cost escalation allowances above what has already be funded. This results in Council needed to assume responsibility of what is an uncertain capital cost. Council is assuming a lot of additional risk undertaking a project such as this in the current market.</p>	<p>current financial pressures and difficulties facing the construction industry.</p>
<p>Operational Sustainability impacted by scope decrease due to construction budget limitations or shortfall</p>	<p>If the scope of the construction and interpretation needs to be reduced to address the initial shortfall, or higher than QS'd construction costs the operational sustainability or impact to Councils operational bottom line at the WTC are placed at risk.</p> <p>Many of the items that will make this product a high quality commercial success may need to be reduced or removed to meet budget.</p> <p>Items such as finishes, landscaping, solar panels and energy efficiency inclusions and interpretation and exhibitions will reduce the overall customer experience and operational income and/or expense.</p>	<p>Scope and Budget is not reduced and additional funding is identified.</p> <p>Alternatively the Operational Budget be altered in forward budgets to reflect the sustainability and income/expense if scope is reduced.</p> <p>This will have a long term financial impact to the organisation and is not a recommended action.</p> <p>It is not recommended the WTC undertake internal loans to balance the Capital Construction as this will further add to the overall sustainability of the facility.</p>
<p>Increased Operational Costs</p>	<p>An increase in the size and scope of the facility will impact the overall operational budget from the initial basic business model. Bigger, more complex building requires more operational and utility expenses.</p> <p>Lessons learnt during the development of the facility have also contributed to the likely higher operational requirements of the facility such as the inclusion of industry standard display and storage of cultural artefacts and art, the inclusion of a holding place and appropriate cultural operations.</p>	<p>If this project proceeds, there are no current identified alternatives in relation to operational costs likely to increase.</p> <p>Discussions have taken place with other organisation to assess opportunities to partner in the delivery of services and the facilities such as Dubbo Local Aboriginal Lands Council. At this stage there is no clear path in regards to potential partnerships.</p> <p>The service levels of the facility</p>

	<p>There has also been higher CPI increases, cost of living expenses and financial situation changes of DRC that have resulted in a very different operating environment to one forecast when this project was initially undertake in 2018. E.g. Electricity costs on a building this size will be higher, the current market indicates significant increases, much higher than anticipated.</p>	<p>can continue to be assessed as the project advances and income generation be reviewed to minimise operational expenses. This needs to be part of the operational priority in the development of the facility and this needs to be resourced appropriately.</p>
<p>Ability to recruit skilled staff in Identified Aboriginal Positions</p>	<p>The Cultural Development Coordinator has attempted to recruit an Aboriginal Cultural Development Officer in a curator style development role on two separate occasions without success.</p> <p>On both occasions, applicants did not meet the minimum requirements to proceed to interview stage.</p> <p>The required skill level to meet facility standard and expectations on community has made the recruitment to this role for an identified Aboriginal Curator a difficult process.</p>	<p>Development pathways for skilled Aboriginal positions need to be created and resourced appropriately.</p> <p>A trainee or development role can be recruited as an alternative to develop in-house skill development, although this will be resource heavy and the current structure of the Cultural Development Team and workloads does not support this structure currently.</p>
<p>Business Structure assumed a higher level of “buy in” from Aboriginal Community</p>	<p>When undertaking this project initially, the business model consisted of the Aboriginal Community to want a high level of “buy in” to the operations of the facility including providing facilitators, educators, art and craft practitioners to activate the site, the potential of an Aboriginal owned contractor to operate the café, a partnership with a provider to activate a business development hub and community members to work at the facility.</p>	<p>The alternative to higher levels of community involvement is a greater than expected, or wanted input from internal delivery, funded by Dubbo Regional Council.</p> <p>This comes at a higher expense due to influence of the Local Government Award and expectations of operating as a Council facility.</p> <p>An example of this is the Café operations at the Western</p>

	<p>The level of community inclusion in the project has diminished with many of the original conversations no longer continuing. There has also been a significant shift in community politics and many of the original community members in support of the facility, now losing interest or turned off the facility, many for personal or family reasons.</p>	<p>Plains Cultural Centre.</p>
<p>Community Feedback has indicated many Aboriginal Community Members do not believe we should “be in this business” and the facility should be run by Community</p>	<p>Throughout the consultation, there has been an underlying tension and issue raised by many of the Aboriginal Community.</p> <p>The issue raised is “if Council should be in the business of delivering this product” and “the facility should be owned, operated and run by Aboriginal People”.</p> <p>Initially the project determined that Dubbo Regional Council would be the best option to facilitate the development and operations of the facility. To ensure correct operations through gained knowledge of other similar operations in the Cultural Tourism Industry and a high level of Governance.</p> <p>As the project progressed and consultation was undertaken over 24 months with the local Aboriginal community, it was evident many community members did not see Councils involvement as a positive contributing factor.</p> <p>Simply the community wanted “Aboriginal people telling Aboriginal stories”, and government should not be “poking our nose into Aboriginal business”, or being involved with “sacred traditions and artefacts”.</p>	<p>Dubbo Regional Council do not proceed to operations of this facility.</p> <p>Alternate partnerships be pursued as a priority of Council for the ongoing operations of the facility, independent of Council.</p>
<p>Community Feedback that the</p>	<p>If Council is to proceed with development, construction and</p>	<p>Council consider the location, delegation and line of reporting</p>

<p>facility should not be operated by a non-Aboriginal Manager and should be 100% Aboriginal Employment.</p>	<p>begin operating the facility, another issue the Aboriginal community have raised on a number of occasions is the facility will be operated by the Manager Regional Experiences, which is a role that is currently occupied by a non-Aboriginal employee.</p>	<p>of the WTC in the overall structure of the organisation and consider the appointment of an Identified Aboriginal Employee in the role of Manager overseeing the WTC.</p>
	<p>There have been a number of very strong voices in opposition to this and it may be an ongoing issue that may impact the success and financial sustainability of the WTC. If the facility is not seen as authentic, or is shunned by the local Aboriginal community, there is a high risk of the ongoing viability of this facility.</p>	
<p>Resourcing Impacts to the Cultural Development Team</p>	<p>When the WTC project was undertaken in 2018, the Cultural Development Team structure and accountabilities were still new and not fleshed out as part of Councils amalgamation with Wellington Council.</p>	<p>Additional resources are required to undertake additional workload. This is far greater than one identified Aboriginal Cultural Development Officer. The impact to the Cultural Development Coordinator, missed with all the other changes needs to be considered.</p>
	<p>Since then, the Cultural Development Team has developed into an outcome driven, high workload and output area of the Regional Experiences Branch. This new branch has emerged from being solely responsible for the collection and exhibition at the WPCC to now include cultural support across the organisation and assisting the other facilities within CCP. There has also been a higher expectation developed for an outward focus on Cultural Development in the areas in the SPARC Cultural Plan, Public Art, skills and industry development and cultural event support. The team also facilitates group bookings across multiple facilities and recently absorbed the Sister City Program and Officer.</p>	<p>Alternatively the scope of work the CDT is required to deliver can be reviewed to be downsized and additions to the team be assessed for suitability for inclusion or not to allow the inclusion of the WTC. This would likely be a high risk undertaking as service levels within culture are already deemed to be way below cultural community's expectations.</p>

	<p>Initially it was determined that the Cultural Development could supply a small amount of help to help develop and rotate the small museum exhibition of the initial scope of the WTC. This expectation has now grown to include a Commercial Gallery, Touring Exhibition Space, Keeping Place with a significant collection policy and process, multiple exhibition spaces, education spaces and programming.</p> <p>The increase in scope of the WTC, bundled with the increase in scope of what the Cultural Development Team is now delivering has resulted in the resourcing of the team at well over capacity, before the WTC has even opened the doors.</p>	
<p>Resourcing Impacts to the Manager Regional Experiences</p>	<p>In a similar sense to the above item, the workload of the Manager Regional Experiences has evolved and grown since the current structure was implemented. This included overseeing a number of complex facilities with a diverse knowledge base from facility assets, tourism, heritage, science, art and museums.</p> <p>Overseeing the strategic and operational direction of the 3 facilities and cultural development team, then with the addition of the development and construction phase of this project, and then once open, the operational impacts to the Regional Experiences Branch should be considered as part of the risk implications due to the in-ability the Manager has to allocate the required time and energy to each project.</p> <p>The WTC project is significant, the outcomes culturally and socially</p>	<p>A dedicated (identified) manager role be placed in the structure to undertake the finalisation of the product development and ongoing operations.</p> <p>This role should report direct to the Director Community Culture and Places to acknowledge the many outcomes required from this facility including Financial, Economic, Cultural and Social.</p>

important and Council is currently exposed with the difficulty of the project and the lead on the project not able to be fully committed. This has, and will continue to add to the complications of this project.

Once operational, the dedication, time and emotional energy to operate this facility, in partnership with the Aboriginal Community to ensure its ongoing cultural and commercial success will be difficult and Council is at risk if this person is juggling a number of projects and is unable to fully commit to the success of the WTC.

This also has the opportunity risks across the Gaol, Caves and WPC as resources are stretched, opportunities for an increase in quality or efficiencies are reduced. This also created the potential for other risks to arise in these areas as resources are continued to be stretched.

Table 8. Construction and Operational Risks currently challenging the Wiradjuri Tourism Centre

**CCL23/203 Draft 2023-2027 Community Engagement Strategy (including
Community Participation Plan)**

Attachment 1: 2023 - 2027 Draft Community Engagement Strategy
(including Community Participation Plan)439



2023 - 2027 COMMUNITY ENGAGEMENT STRATEGY

(INCLUDING COMMUNITY PARTICIPATION PLAN)



Acknowledgement of Country

We acknowledge the Wiradjuri people, the traditional custodians of the Wiradjuri Nation, we acknowledge their Elders past, present and future. We also acknowledge peoples from other Nations and Language groups who have now made the Dubbo and Wellington Region their home along with the descendants of the Wiradjuri Nation.

Dubbo, home of the Wirumdhah people of the Wiradjuri Nation, traditional people of Wilay Country where the Wambuul flows.

Wellington, a beautiful valley home to the Wirrum Wirrum people of the Wiradjuri Nation.

Special thank you to Aunty Margaret Walker, Mary Henderson and Grace Toomey for Wiradjuri consultation.

DRAFT

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Vision, Purpose and Values

OUR VISION

Creating community for today and tomorrow

OUR PURPOSE

Lead, Connect, Deliver

OUR VALUES



Mayor's Message

Dubbo Regional Council (DRC) shares the community's passion and pride throughout the region. Council is committed to work with the community to preserve the regions lifestyle, its natural environment, its rural landscape and, as partners, make better decisions. Council's professional staff guide participants as they strive to achieve their aspirations for the region. This will provide support and result in self development opportunities through their role as partners in decision making.

This strategy sets out a whole-of-council commitment to community engagement where the community will be:

- ✓ encouraged to make recommendations to Council.
- ✓ informed about issues and decisions that could significantly affect their future;
- ✓ able to raise issues and have their say, in a way and at a time that suits them; and
- ✓ confident that their views have been considered and will have access to feedback.



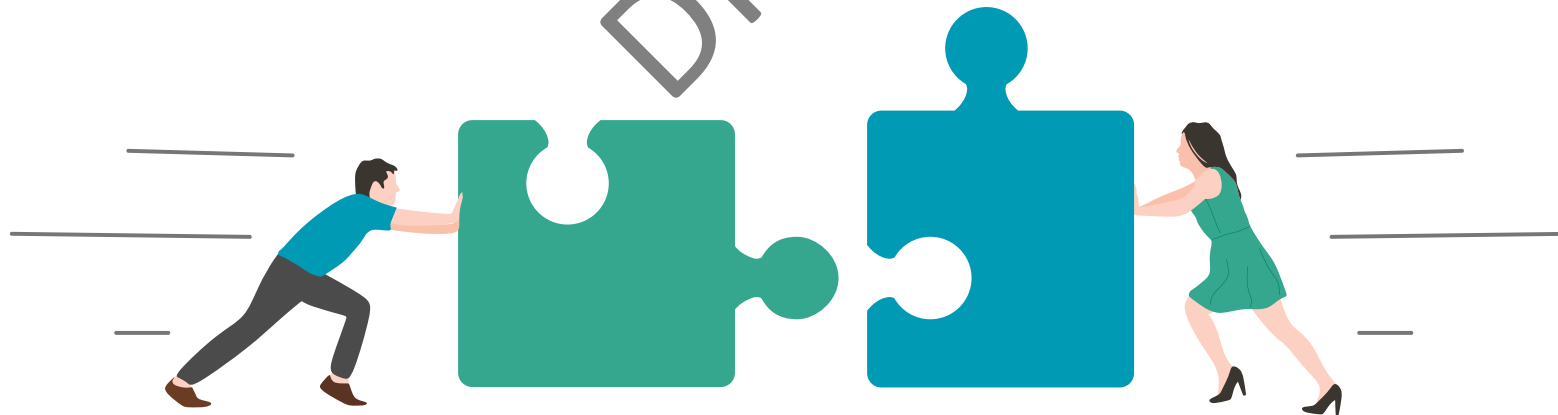
Council's responsibility is to work in the best interests of the region as a whole and to consider a broad cross-section of views. Councillors can then fulfil their role as elected representatives and make better final decisions. In making the final decision they will be guided on policy, legal and statutory matters by professional staff.

The priorities for DRC will differ. The complexity of issues will differ. The format of engagement will be tailored to ensure that input from the community delivers a workable outcome.

About This Strategy

This strategy is designed to identify, guide and measure engagement activities in line with best practice, community expectations and relevant legislation. Community engagement does not replace the decision making powers of elected Councillors or the appointed Chief Executive Officer however it plays an important role in the decision-making process, ensuring community feedback, input, ideas and priorities are captured.

Development of an endorsed framework will support shared understanding with all stakeholders around policies and practices to ultimately support better engagement, increased community participation and informed decision making. This shared understanding is centred on the premise that community participation is critical to effective, community centric decision making. This shared understanding must also extend to times where community involvement in a decision making process may be minimal and the engagement approach is focused more on informing and educating the community on a decision making process and outcome.



Strategy link to adopted Community Strategic Plan

As part of Council's Integrated Planning and Reporting Framework the activities of Council are guided at a strategic level by the Community Strategic Plan, known as Towards 2040. This Plan outlines community's long term vision for the region, and it is supported by a rolling four year delivery program and one year operational plan.

Towards 2040 includes several priorities relevant to this engagement strategy, including:

Objective 4.1 – Council provides transparent, fair and accountable leadership and governance

Strategy 4.1.1 – Council encourages and facilitates two-way communication with and between stakeholders and the community

Strategy 4.1.2 – Council's decision making processes are open, transparent and accountable.

The 2022/2023 Delivery Program and Operational Plan identified the preparation and implementation of a Community Engagement Strategy that recognises engagement requirements when developing plans, policies and programs to ensure this framework is in line with contemporary community expectations.



Legislative Requirements

Council must comply with several pieces of legislation that set out when we must initiate consultation. The Local Government Act 1993 requires Council to establish and implement a strategy (Community Engagement Strategy) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining activities (other than routine administrative matters).

The Environmental Planning and Assessment Act 1979 also requires all Councils to outline how and when the community will be engaged across planning functions like policy-making and assessment. Our Community Engagement Strategy, including Community Participation plan, has been developed in accordance with these requirements, as well as those set out in the Local Government Act 1993.

The strategy will be reviewed every four years at a minimum and made available at dubbo.nsw.gov.au

Census data

This strategy has considered and responded to the Council's Local Government Areas 2021 Australian Bureau of Statistics Census data.



Thanks to our Community

This page has been intentionally left blank for inclusion of feedback throughout the public exhibition period.

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About the Dubbo Region



The Dubbo Regional Council Local Government Area (LGA) shines as a dynamic, thriving activity centre nestled in the heart of New South Wales' Central West Orana Region.

Covering 7,900 square kilometres, the Dubbo Regional Council LGA extends from Eumungerie in the north, Kerr Creek in the south, Twelve Mile in the east and Minore in the west, and encompasses the major thriving hubs of Dubbo and Wellington.

The Dubbo Regional Council LGA benefits from significant investment opportunities and sustainable economic growth, servicing a catchment area equivalent to one third of the size of New South Wales.

The Dubbo Regional Council LGA is home to 56,720 people (2023 estimate), which represents an average annual increase of 1.3% over the last 10 years. This population will continue to grow, with an additional 10,000 people projected to call the Dubbo Regional Council LGA home by 2036.

Dubbo Regional Council is transitioning towards becoming a vibrant, culturally diverse destination hub. Almost 20% of the population was born overseas, with just under 20% speaking a language other than English at home.

The Dubbo Regional Council LGA is a thriving location which will continue to expand over time.

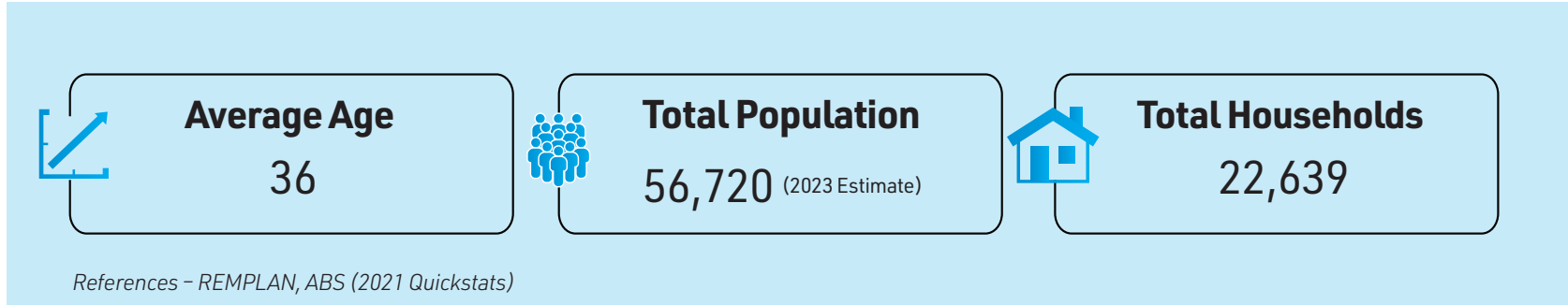
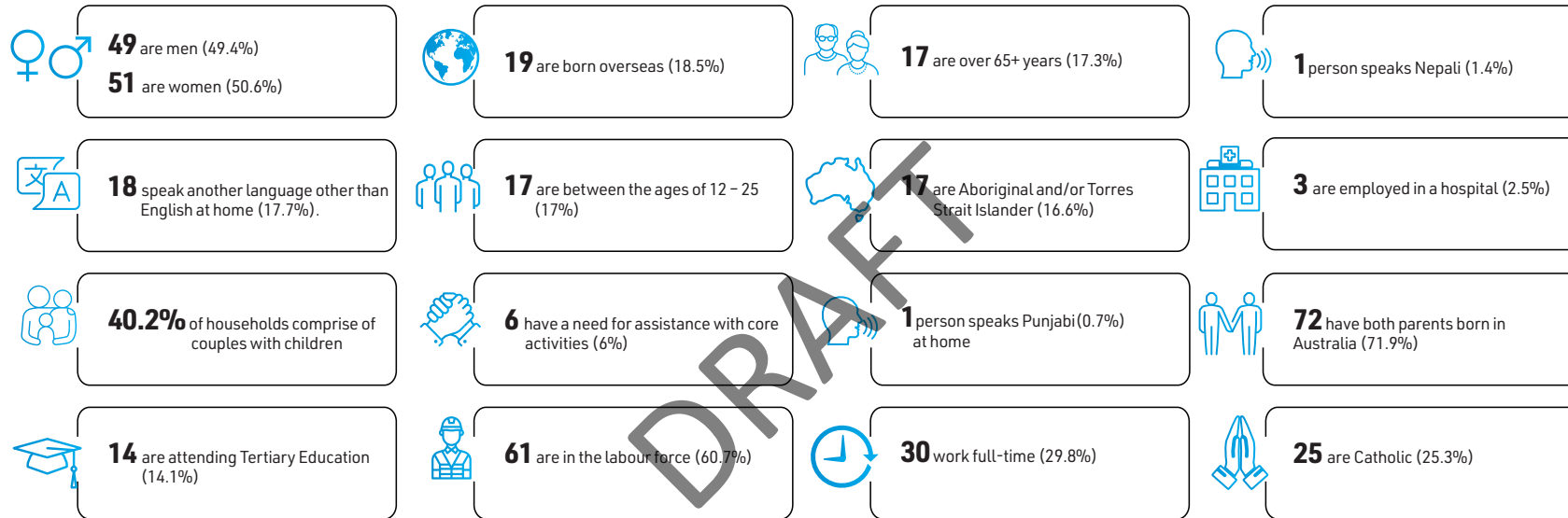
Major projects will continue to generate economic growth within the region.

Home to approximately 5,100 successful businesses the Dubbo Regional Council LGA has proved to be a fantastic destination to invest in. The region also provides the opportunity for an affordable lifestyle to become an attainable reality with a median monthly mortgage repayments at around \$1,500 and median rents averaging at \$300. There is something for everyone with notably over 100 sporting clubs, 3 shopping malls and 57 educational facilities.

References – REMPLAN, ABS (2021 Quickstats)

Community Snapshot

If our community population totalled **100** people



Our Region

2,760 km roads

- 1,404 km sealed road
- 1,356 km of unsealed roads

2 Libraries
Dubbo & Wellington

5,143 Registered businesses

57 Educational facilities

25,000 street trees within Dubbo
4,500 street trees in Wellington

3 Aquatic Centres
(Dubbo, Wellington & Geurie)

118 parks
200.78 hectares

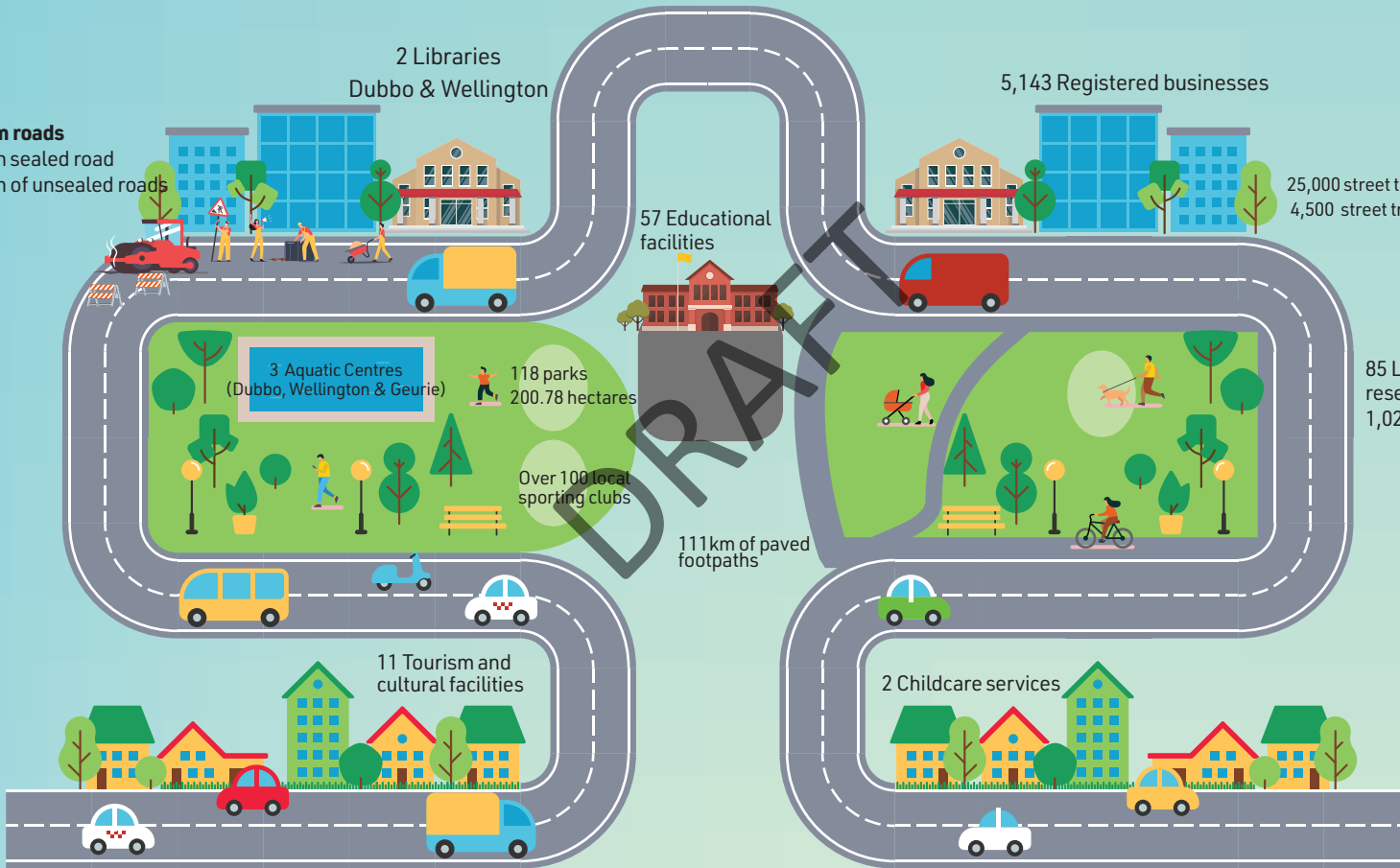
Over 100 local sporting clubs

111 km of paved footpaths

85 Landcare reserves
1,028.75 hectares

11 Tourism and cultural facilities

2 Childcare services



What is Community Engagement?



Community engagement is the process of involving people in the decisions that affect their lives and environment. It is proactive and ongoing, promoting open discussion and shared responsibilities for decisions.

Council recognises that people have a right to be informed and to have a say on projects that are important to them or may impact their daily lives. Community engagement gives Council a better understanding of community views and values and helps us make more informed decisions and deliver better services.

Engagement Principles

Dubbo Regional Council have adopted the following principles which represent the foundational elements and underlying aspiration for community engagement.



BUILD RELATIONSHIPS

Act in an honest, open and respectful way to build strong relationships, partnerships and trust with our stakeholders.



RIGHT TO BE INVOLVED

Believe stakeholders have a right to be involved in decisions that affect them.



CLARITY OF PURPOSE

Well planned with a defined purpose and stages for community input.



ACCESSIBLE AND INCLUSIVE

Seek views representative of the community ensuring the most comprehensive range of stakeholders are able to participate. A broad range of activities are to be considered for this to occur.



TIMELY AND COORDINATED

Engage early and provide enough time for our stakeholders to provide input so that view can be considered.



TAILORED

Use a range of communication and engagement methods that suit the purpose and type of project we are consulting on. Consider the impact, complexity, risk, and timing and range of stakeholders involved.



TRANSPARENT

Provide information in a manner that enables community to provide input. Make decisions in an open and transparent way and provide feedback to our community to explain decision making processes and decision outcomes.



CONTINUOUS LEARNING

Evaluate our engagement activities and learn from feedback and best practice.

Why Community Participation is Important

Participating in community engagement contributes to improving the quality of life for those living in the Dubbo Regional Local Government Area and has a direct impact on Council planning, facilities management and service delivery. It can be a rewarding and beneficial experience.

By getting involved in a decision-making process you can:

- ✔ Be a leading voice for the community
- ✔ Share ideas, aspirations, concerns, needs and experiences
- ✔ Make connections and hear what others think
- ✔ Provide input on priorities and resource allocation
- ✔ Find out more information about projects or plans directly from the project team
- ✔ Learn about the matters Council must consider before making the decision
- ✔ Gain a better understanding of how the outcome of the decision will benefit the wider community

What Makes the Dubbo Region Special to You?

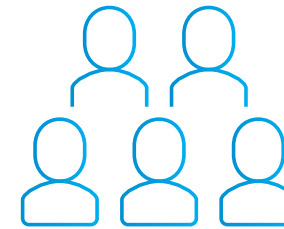


When we will seek community participation

When we engage with the community varies depending on the complexity and nature of the activity, as well as the level of impact on the community.

Times we may engage with the community include:

- Change of service or strategic direction is proposed
- New project, plan or initiative being developed
- Significant policy, strategy or plan being developed or changed
- Major infrastructure projects being considered or planned
- Issues raised that require a decision
- Decisions being made that will impact our community



When we won't seek community participation

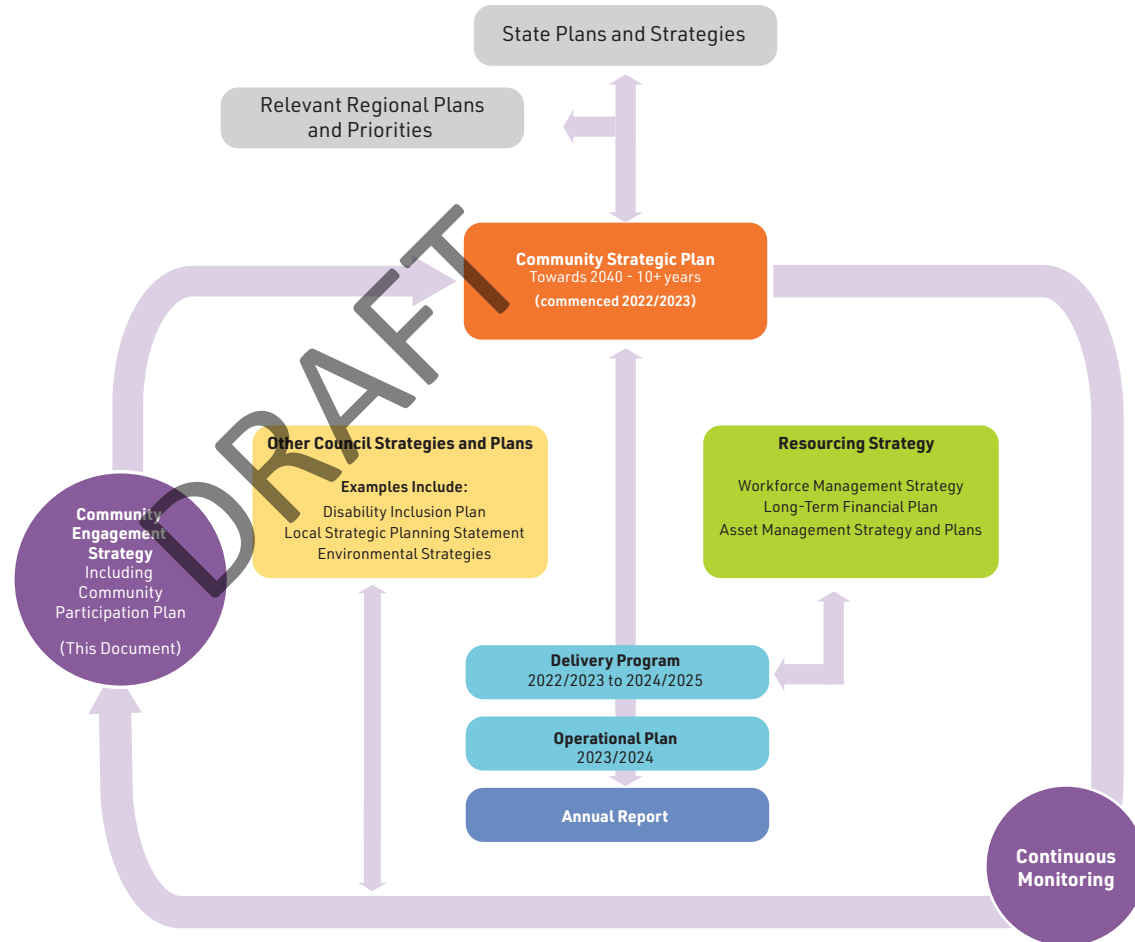
There are some circumstances when we will not engage with the community. For example:

- No scope for community influence
- Public health and safety are at risk
- Immediate resolution is required or we are responding to an emergency
- Matter is strictly confidential or commercially sensitive
- Developing or reviewing internal procedures and protocols
- Legal constraints







The Integrated Planning and Reporting Framework

The role of the community is at the heart of the Integrated Planning and Performance Framework (IP&R). Our engagement is linked to plans, strategies and work outlined in our framework and shows how often we engage around those plans and strategies. Ongoing community engagement and the feedback people provide establishes the overarching 10 plus year strategic direction of Council through the Community Strategic Plan and develops the four-year Delivery Program which ultimately influences our day-to-day activities and service provisions through the annual Operational Plan.




Roles and Responsibilities


<p>The Mayor</p> 	<ul style="list-style-type: none"> Act as the spokesperson for the Council to promote engagement on key strategic plans including developing the Community Strategic Plan. Together with the Chief Executive Officer, ensure adequate opportunities and mechanisms for engagement between Council and the local community. Promote partnerships between Council and key stakeholders. 	<p>Chief Executive Officer</p> 	<ul style="list-style-type: none"> Oversee preparation of the Community Strategic Plan and Integrated Planning and Reporting documents along with endorsement by the elected Council. Ensure that community members are given enough information to participate in the Integrated Planning and Reporting process in a meaningful way. Sustain an organisational culture that values community participation and capability, seeking effective community input. Ensure appropriate performance monitoring of engagement systems, processes and practices.
<p>Mayor and Councillors</p> 	<ul style="list-style-type: none"> Promote engagement on key strategic plans including supporting and participating in community engagement for the development of the Community Strategic Plan. Participate in the development of Integrated Planning and Reporting documents, including the Community Strategy Plan. Endorse and monitor the Community Strategic Plan on behalf of the community and approve the remaining components of the Integrated Planning and Reporting documents. Promote and participate in community engagement activities. 	<p>Council Staff</p> 	<ul style="list-style-type: none"> Work with and support the Chief Executive Officer in the development and ongoing monitoring of the Community Engagement Strategy and plans. Implement the Community Engagement Strategy and provide timely and ongoing advice to the Chief Executive Officer on community views. Build capability to support effective community engagement practices across the organisation.

Responsible Behaviour

An effective participation framework should enable community to actively, constructively and respectfully have their voice heard and equally hear the voice of others. Community members may be asked to leave forums, meetings and online engagement spaces if unreasonable behaviour is displayed.



<p>Be brief and once you have voiced your feedback, let others have an opportunity.</p>	<p>Do your best to understand the pros and cons of every option. Be objective and fair-minded.</p>	<p>Listen to and respect other points of view. Comment on the feedback and not the person.</p>
<p>Everyone is encouraged to participate but it is OK to just listen and observe.</p>	<p>Pay attention to the person speaking. If you think you will forget an idea that comes to mind, write it down.</p>	<p>Be solution focused; if identifying an issue or opportunity, present ideas on potential solutions and/or proposed next steps.</p>



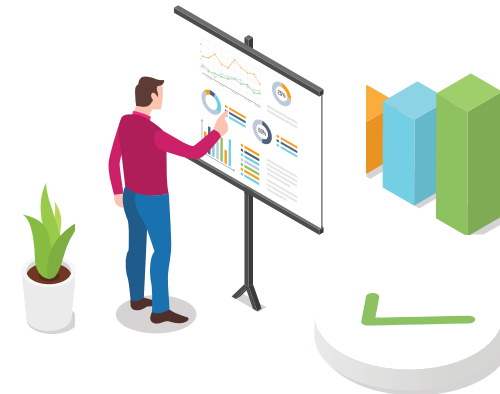
<p>Insisting on an unreasonable amount of information, scale of services, or making an unreasonable number of approaches.</p>	<p>Rudeness, anger, aggression, harassment, threats or physical violence.</p>	<p>Behaviour that is obstructive or deliberately unhelpful.</p>
<p>Making allegations with no evidence.</p>	<p>Personal attacks on individuals including Councillors, Staff or other community members.</p>	<p>Continue to proceed with issues even though they have been dealt with.</p>

Our Engagement Approach

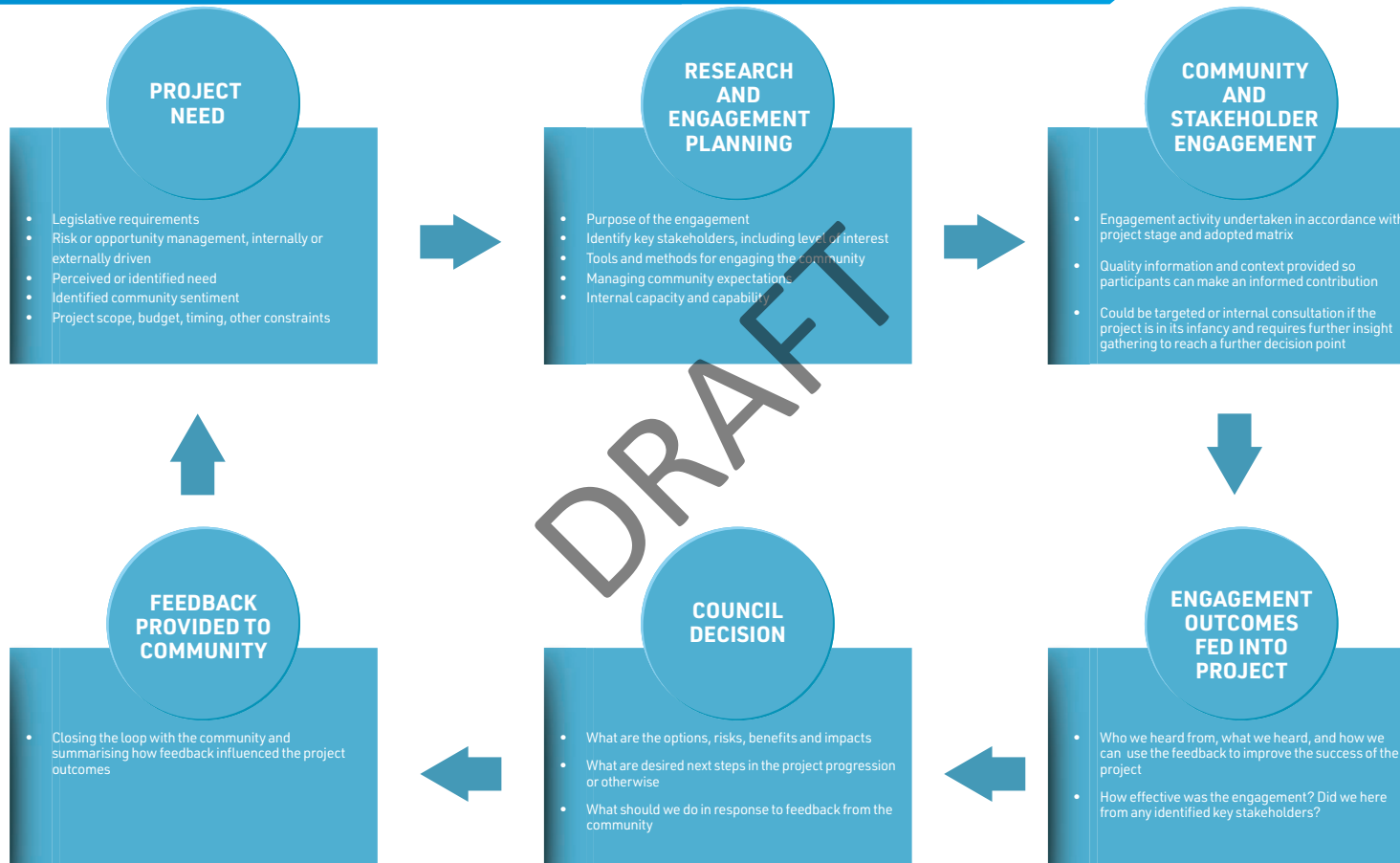
An overview of what we will consider during each stage of the engagement process, from planning engagement activities through to delivery, reviewing the effectiveness of our engagement and sharing information about how input from the community was used to inform our decision-making.

A project could be any particular body of work, for example a master plan, a policy, a new building, a new service to community or proposed change in service to community.

The ongoing connection represents closing the loop in the process and also identifies a particular project may have multiple stages were it undertakes the engagement process a number of times to reach various decision points. For example, a project will likely have a level of stakeholder engagement to inform a report to Council, for then the elected body to make a decision if the project is to proceed for further consultation and/or a formal public exhibition period.



Our Engagement Approach



Note: Projects outside clear alignment to adopted Delivery Program or Operational Plan, or require resource allocation, must go to Council for direction prior to undertaking further community engagement. In this circumstance, strategic direction will be sought by Council before broader or targeted community consultation.

How We Engage



Engaging in person

Engagement or participation is not only about having your say, it is also about listening to others to understand their point of view. In person engagement activities allow an opportunity for discussion.

- ✔ Exhibition documentation displayed in Council's Customer Experience Centres in Dubbo and Wellington.
- ✔ Community workshops, stakeholder meetings, information sessions and public events enable the community to understand and be understood by others when sharing their views.
- ✔ Community committee and ceference groups provide a forum for community group representatives to raise issues relevant to the Committee's Terms of Reference.
- ✔ Direct contact, either in person or over the phone, with individual community members and groups on specific projects and plans.
- ✔ Members of the public are able to address the Mayor and Councillors at Committee meetings or during Public Forum at Ordinary Council meetings. Meetings are live streamed and the recording catalogued online. Presenting at a meeting is a great opportunity to speak directly to the elected body but there is no opportunity for two way engagement during the meeting.



Engaging online

Online communication and engagement continues to grow and can allow people who may otherwise be excluded from in person engagement activities to have their say.

- ✔ Council's online engagement platform Your Say - yoursay.dubbo.nsw.gov.au provides the community a central hub to engage, participate and provide feedback on a range of Council's projects, plans, policies and studies including public exhibitions.
- ✔ Council's website provides information to the public on Council activities, services and projects including progress reports on the adopted Towards 2040 Delivery Program and Operational Plan.
- ✔ Social media keeps the community up to date on Council news and provides the community access opportunities to learn more and have their say on Council matters.
- ✔ All Council meetings are live streamed via YouTube, providing greater access to Council decisions and debate and eliminates geographic barriers preventing the community from attending meetings.
- ✔ Your Say Community Engagement E-newsletter provides a quarterly update on Council's engagement activities including information about engagement projects open for feedback, how you can participate and outcomes of completed engagement activities.



Engaging through traditional methods

There is still a need and appetite for traditional methods of engagement. Some traditional methods are outlined under engaging in person.

- ✔ Print publications distributed to our stakeholder groups and specific industry and special interest publications.
- ✔ Direct mail to residents and groups, including rates notices and courtesy notices of major projects.
- ✔ Onsite or physical displays and signage at events or key locations.

Our Stakeholders

A stakeholder is any individual, group of individuals, organisation or entity with a specific stake in the outcome of a decision made by Council. Our stakeholders can vary significantly from project to project.

Community engagement is a shared responsibility. We all have a role to play in participatory decision-making that shapes the places where we live, work, play and create. There are roles for both Council and the community in initiating, leading, participating in and delivering engagement activities.

A vital component of the community engagement process includes identifying and understanding key stakeholders who will be impacted by or who have an interest in a decision. Our engagement aims to reach the community to ensure a range of views are heard.



Below is a list of the stakeholder groups who may have an interest in or be impacted by our decisions and projects;

External Groups

- Residents
- Travellers to the region for work purposes
- Business industry groups
- Dubbo Chamber of Commerce
- Organisations with a Council delegate
- Community organisations / groups
- Sporting organisations
- State agencies
- Members of Parliament
- Schools and education providers
- Visitors
- Tourism industry groups
- Social groups including:
 - Aboriginal and Torres Strait Islanders
 - People living with disabilities
 - Migrants and new Australian Citizens
 - Youth
 - Seniors

Internal Groups

- Mayor and Councillors
- Council staff
- Standing Committees
 - Corporate Services Committee
 - Infrastructure, Planning and Environmental Committee
 - Culture and Community Committee
- Community Committees and Working Parties:
 - Aquatics Working Party
 - Climate Change and Resilience Committee
 - Cultural and Tourism Facility Committee
 - Disability Access and Inclusion Advisory Committee
 - Dubbo Regional Livestock Markets Advisory Committee
 - Multicultural Advisory Committee
 - Public Spaces Tree Committee
 - Reconciliation Action Plan Working Group
 - Sister City Committee
 - Social Justice Advisory Committee
 - SPARC Committee
 - Villages Committee
 - Wellington Town Committee
 - Wiradjuri Tourism Project Committee
 - Youth Council
- Access reference group

Inclusive and Accessible Engagement

We want to hear from all members of our community to make sure that what we deliver for our community is informed, relevant and responsive to community needs. We recognise that some groups are less likely to participate and may face additional barriers or challenges in engaging with us.

These groups include;



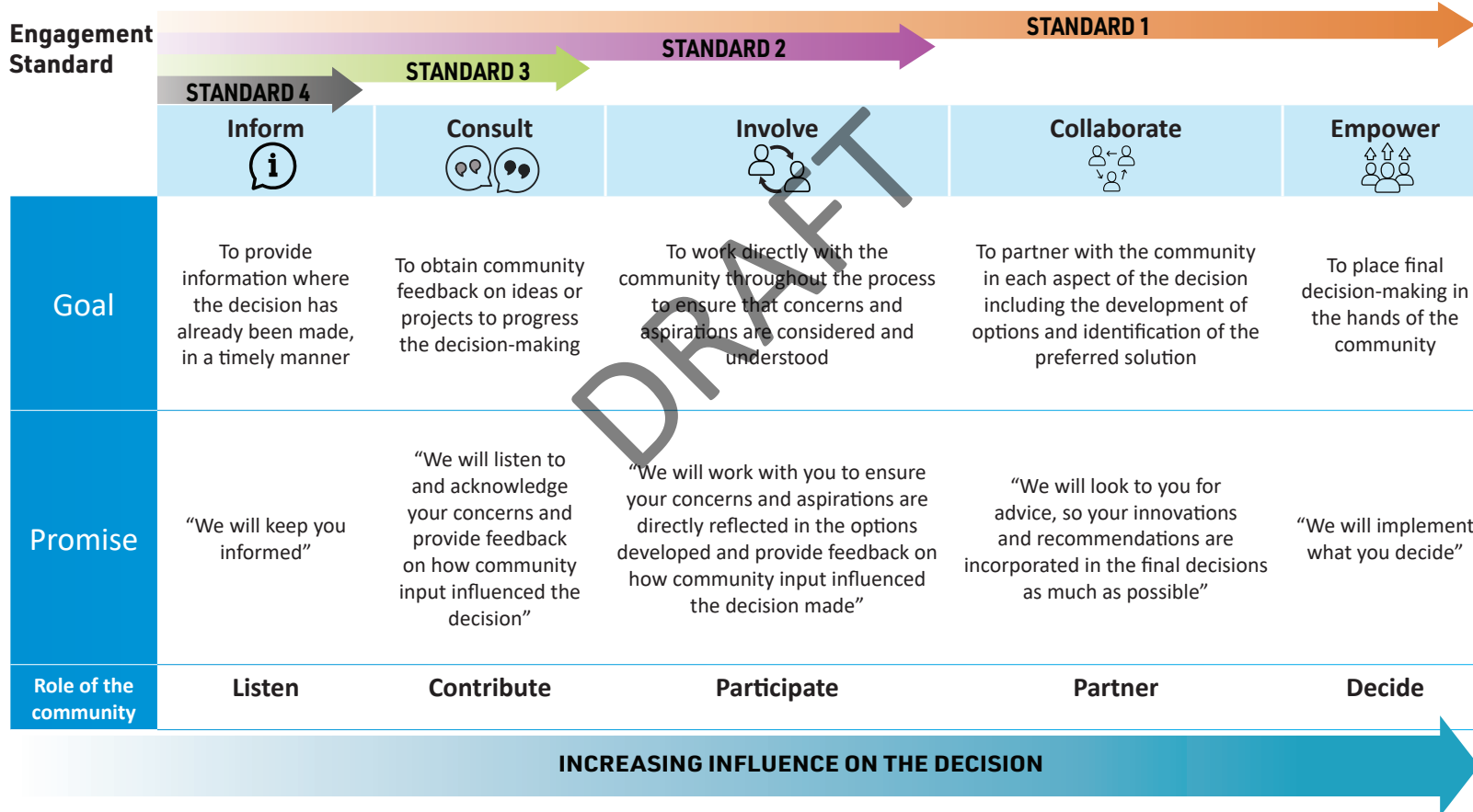
We know from early engagement for this strategy that we need to make inclusion of diverse groups a key priority.

Some of the ways that we will do this are:

- ✓ Identify hard-to-reach groups during engagement planning
- ✓ Using a range of engagement methods and tools that cater to the needs of hard-to-reach groups, including DRC's Advisory Committees
- ✓ Continuing to engage with DRC's Reconciliation Action Plan Working Group to provide advice on strategic matters of importance to local Aboriginal and Torres Strait Islander communities
- ✓ Providing our engagement materials in accessible formats
- ✓ Translating our engagement materials when required
- ✓ Hosting our engagement events in accessible venues and locations
- ✓ Providing more in person opportunities, where possible

Levels of Community Participation

The International Association for Public Participation Spectrum (IAP2) Spectrum has five levels of engagement that correspond to the community's increasing level of influence on decision-making. The IAP2 Spectrum helps to determine the appropriate scope of input from the community and the role that the community will have in the decision-making process.



Engagement Standard Matrix

HIGH

- potential for high risk of controversy or conflict with Dubbo Regional Council's values
- significant impacts to attributes, such as natural environment, water supply
- land use or heritage
- potential large impact on government strategies and directions

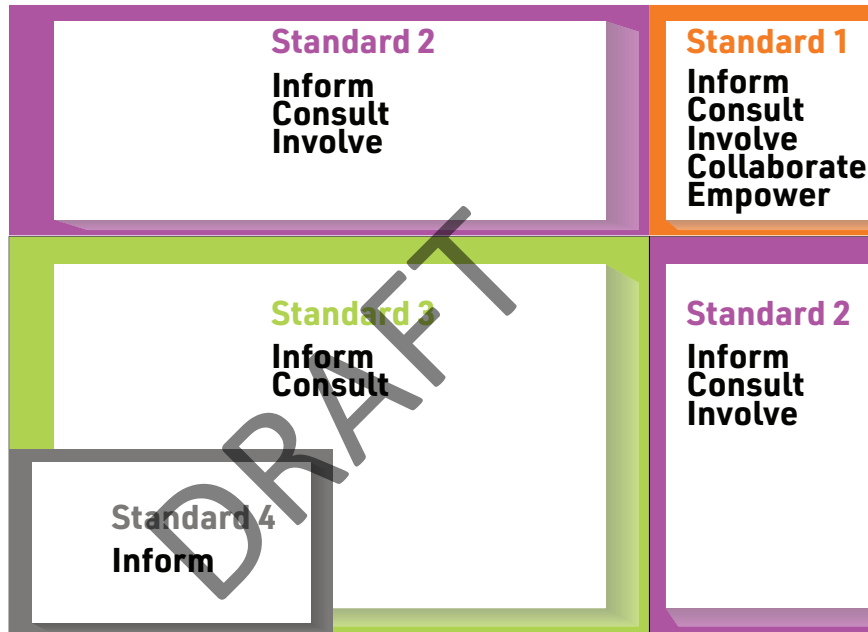
MODERATE

- potential for some risk of controversy or conflict
- loss or change to any facility or service to the locality
- potential moderate impact on government strategies and directions

LOW

- low or no risk of controversy or conflict
- small change to any facility or service to the locality
- low impact on government strategies and directions

Community Impact



Community Scale

LOW

- small component of the population
- relevant to a street, suburb, village or small specific group or users of a facility or service
- low complexity including only several stakeholders and community groups

MODERATE

- significant proportion of the population
- relevant to a locality, town or village or a large specific group or user of a facility or service
- moderate complexity including multiple stakeholders and community

HIGH

- greater majority or entire population
- relevant to a large geographical area
- high complexity including numerous stakeholders and community groups

Engagement Methods and Resourcing

Our engagement methods are outlined according to the level of community participation being sought, which can be determined by using the engagement standard matrix.

The following tables provide guidance on a range of engagement channels in accordance with the standard (1, 2, 3, 4). Methods from a lower level may also be utilised to support a higher level. For example use of email campaign to general participation in a collaborative workshop.



Key

TYPE	in person	online	traditional
TIME	0-5 hours	5-25 hours	over 25 hours minimum per task including preparation and staff time
COST	no cost	<\$1,000	\$1,001 - \$10,000
ACTION	required	recommended	optional
			not required

INFORM	Engagement Method	In practice	Type	Time	Cost	Suggested Action per Standard			
						1	2	3	4
Customer Experience	Information provided to Customer Experience Officers to respond to customer enquires.								
Dubbo Regional Council Website	Information is published on Council’s website example project updates, latest news, water outages and scheduled maintenance.								
Media Release	Issued to news outlets.								
Social Media	Social media channels (Facebook, Instagram, LinkedIn, YouTube, TikTok & Twitter).								
Print and digital advertising	Digital marketing, newspapers, industry publications, radio, community service announcements.								
E-newsletters	Council’s project based or general e-newsletters. Subscribe at yoursay.dubbo.nsw.gov.au/register .								
Presentations	Present to internal stakeholder groups. Include exit survey of engagement process at completion of event.								
Direct Mail	Addressed correspondence to a specific location, person or organisation.								
Letterbox Drop	Unaddressed bulk drop (letter, flyer and/or notification) to people with a letterbox in a determined area.								
Pop-up promotion stands	Circulate information or posters to frequently visited locations such as libraries and Visitor Information Centres.								
Information in rates notice mail out	Provide information in annual or quarterly rate notices.								

Key

TYPE in person online traditional
TIME 0-5 hours 5-25 hours over 25 hours minimum per task including preparation and staff time
COST no cost <\$1,000 \$1,001 - \$10,000 >\$10,000 minimum costs not including staff time
ACTION required recommended optional not required

CONSULT					Suggested Action per Standard			
Engagement Method	In practice	Type	Time	Cost	1	2	3	4
Your Say – Online Engagement Platform	Seek feedback using consultation tools such as mapping, voting tools, polls, surveys and discussion forums on yoursay.dubbo.nsw.gov.au				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Meetings by invitation	Invite stakeholders to meet with staff and/or Councillors to discuss and exchange views. Include onsite/location based meetings, include exit survey of engagement at completion of event.				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reference Groups	Invite people with an active interest in a decision or problem to be part of a meeting where detailed and robust conversation occurs to inform decision making, generally held in small groups of no more than 20 people, include exit survey of engagement process at completion of event.	 			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Externally facilitated 'design charrette' / high participatory workshop	Intensive, hands-on workshop bringing people from different disciplines and backgrounds together to with members of the community to explore design options for a particular area. Include exit survey of engagement process at completion of event.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Survey	Council undertakes a community survey every two years to understand community priorities and overall level of satisfaction with Council's performance. These in-depth community survey's aim to randomly survey a proportion of the Local Government Area and are conducted via telephone and online.	 			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Key				Suggested Action per Standard			
		TYPE	TIME	COST	ACTION				
		in person	online	traditional					
		0-5 hours	5-25 hours	over 25 hours minimum per task including preparation and staff time					
		no cost	<\$1,000	\$1,001 - \$10,000	>\$10,000 minimum costs not including staff time				
		required	recommended	optional	not required				
INVOLVE	Engagement Method	In practice	Type	Time	Cost	1	2	3	4
COLLABORATE	Standing and other Community Committees	Seek feedback using consultation tools such as mapping, voting tools, polls, surveys and discussion forums on yoursay.dubbo.nsw.gov.au							

		Key				Suggested Action per Standard			
		TYPE	TIME	COST	ACTION				
		in person	online	traditional					
		0-5 hours	5-25 hours	over 25 hours minimum per task including preparation and staff time					
		no cost	<\$1,000	\$1,001 - \$10,000	>\$10,000 minimum costs not including staff time				
		required	recommended	optional	not required				
EMPOWER	Engagement Method	In practice	Type	Time	Cost	1	2	3	4
Community survey on a specific topic	Engage a vendor to survey a random sample of a specific topic.								
Polls and referendums	Council may seek community views on any issue through a non-compulsory poll of electors' options or it may hold a 'constitutional referendum' on certain electoral matters, in which voting is compulsory and the result is binding.								

Disclaimer: The above lists are Council's identified and preferred methods of community engagement and participation. Council is not limited to this list. Depending on project needs and industry trends alternative methods may be used as required in order to reach a range of people, interest, ages and communities.

Challenges to Engagement (Risk and Opportunities)

Council will need to overcome the following risks and challenges when undertaking engagement activities:



Implementation - What We Engage On?

The following table explains how we will engage with our community about plans and strategies, as well as other work we do, so our community knows what to expect from us. Planning-related projects have specific exhibition timeframes that must be met, which are outlined in the following pages.

PROJECT	Level of Engagement	How?	What?	Exhibition period (minimum requirement)
Council's key long-term plans <input checked="" type="checkbox"/> Community Strategic Plan <input checked="" type="checkbox"/> Delivery Program <input checked="" type="checkbox"/> Resourcing Strategy <input checked="" type="checkbox"/> Community Engagement Strategy, including Community Participation Plan. <input checked="" type="checkbox"/> Local Strategic Planning Statement <input checked="" type="checkbox"/> Strategies <input checked="" type="checkbox"/> Master/Precint plans	Involve	Involve the community to ensure priorities are reflected in the decision. Provide a range of opportunities/channels for the community to share their views. Prior to public exhibition there may be multiple methods of engagement undertaken to develop a draft plan. Council's Website. Written notification it directly impacted.	Directly reflect community concerns and aspirations in the finalised plan.	28 days
Council's annual Operational Plan, Budget and fees and charges	Consult	Involve the community to ensure priorities are reflected in the decision. Provide a range of opportunities/channels for the community to share their views. Council's Website.	Directly reflect community concerns and aspirations in the finalised plans.	28 days

PROJECT	Level of Engagement	How?	What?	Exhibition period (minimum requirement)
Key Council policies <input checked="" type="checkbox"/> Code of Meeting Practice <input checked="" type="checkbox"/> Payment of Expenses and Provisions of Facilities to Councillors Policy <input checked="" type="checkbox"/> Others as required	Consult	Council's website	Acknowledge concerns and provide feedback on how public input influenced the decision.	28 days or 42 days as specified by legislative requirements or Council resolution.
New capital works (for example, consultation to prepare draft master plans prior to exhibition)	Involve	Involve the community to ensure priorities are reflected in the decision. Provide a range of opportunities/channels for the community to share their views	Directly reflect community concerns and aspirations in the finalised plan.	Minimum 21 days
Planning proposal for the Dubbo Regional Local Environmental Plan 2022, subject to a Gateway Determination <input checked="" type="checkbox"/> Planning proposals explain the intended effect of and justification for a proposed amendment the Dubbo Regional Local Environmental Plan 2022.	Consult	Council's website. NSW Planning Portal. Written notification/letter. If the planning proposal is site-specific (for example, area plans which only apply to certain sites within the region) we notify landowners and adjoining landowners. Minor amendments or general amendments that do not affect a specific site may not be notified by letter.	Acknowledge concerns and provide feedback on how public input influenced the decision.	28 days or as specified by the Gateway Determination.

PROJECT	Level of	How?	What?	Exhibition period (minimum requirement)
<p>Re-classification of land</p> <p>Land in Council ownership must be classified for either community or operational use under the Local Government Act 1993. Community land is for land designated for community use such as community halls, libraries and recreational facilities. Operational land serves a commercial or operational function such as officers, work depots or land being retained for strategic reasons.</p> <p>When land comes into community ownership, for example, new sportsgrounds, they need to be classified correctly. In addition, Council sometimes reclassifies land it no longer requires for community use to allow leasing or sale of land.</p> <p>For example, reclassification of community land to operational land at various sites across the region.</p>	Consult	<p>Council’s website.</p> <p>Written notification/letter.</p>	<p>Acknowledge concerns and provide feedback on how public input influenced the decision.</p>	<p>28 days or as specified by the Gateway Determination and a public hearing scheduled for at least 21 days after the public exhibition occurs.</p>
<p>Local Approvals Policy</p> <p>The Local Approvals Policy identifies low-impact activities that can be undertaken without approval from Council such as community events, footway fining and mobile vending, provided they meet certain criteria.</p>	Consult	<p>Council’s website.</p>	<p>Acknowledge concerns and provide feedback on how public input influenced the decision.</p>	<p>42 days</p>

PROJECT	Level of Engagement	How?	What?	Exhibition period (minimum requirement)
<p>Development Control Plans</p> <p>A Development Control Plan provides detailed planning and design guidance to support the aims, objectives and planning controls in the Dubbo Regional Local Environmental Plan 2022.</p>	Consult	<p>Council's website.</p> <p>If the Development Control Plan amendment is site-specific (for example, area plans which only apply to certain sites within the region) we notify landowners and adjoining landowners. Minor amendments or general amendments that do not affect a specific site may not be notified by letter.</p>	Acknowledge concerns and provide feedback on how public input influenced the decision.	28 days
<p>Local Strategic Planning Statement</p> <p>The Local Strategic Planning Statement identifies Council's vision for land use planning in the Local Government Area. It identifies the overarching strategic direction, how change will be managed in the future, and actions required to achieve the land use vision.</p>	Involve	<p>Council's website.</p> <p>Written notification.</p>	Directly reflect community concerns and aspirations in the finalised plan.	28 days
<p>Development Contribution Plans</p> <p>Development contribution plans set out the framework and requirements to help fund, plan and deliver infrastructure and services to meet the needs of current and future residents.</p>	Consult	<p>Council's website.</p> <p>Written notification.</p>	Acknowledge concerns and provide feedback on how public input influenced the decision.	28 days

PROJECT	Level of	How?	What?	Exhibition period (minimum requirement)
<p>Planning Agreements</p> <p>A Planning Agreement is an agreement entered into between Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, or provide monetary contributions or any other material public benefit, for a public purpose.</p>	Consult	<p>Council’s website.</p> <p>Planning agreements must be exhibited alongside the associated development application or planning proposal.</p> <p>If it is not practicable for notice to be given at the same time as the development application or planning proposal, it must be given as soon as practicable.</p>	Acknowledge concerns and provide feedback on how public input influenced the decision.	28 days
<p>Development Applications</p> <p>Application for development consent (other than for complying development certificate, for designated development or for State Significant Development)</p>	Consult	<p>Written notification/ letter.</p> <p>Council’s Application Tracker.</p>	Acknowledge concerns and provide information on how public input was considered in the assessment.	<p>14 days*</p> <p>*Council may extend the public exhibition period without further notification to those already notified.</p> <p>* Development applications considered to have negligible impacts are not required to be notified.</p>
<p>Integrated Development Applications</p>	Consult	<p>Written notification/ letter.</p> <p>Council’s Application Tracker.</p>	Acknowledge concerns and provide information on how public input was considered in the assessment	14-28 days

PROJECT	Level of Engagement	How?	What?	Exhibition period (minimum requirement)
Designated Development Applications	Consult	Written notification/letter. Council's Application Tracker.	Acknowledge concerns and provide information on how public input was considered in the assessment.	28 days
<p>Council related Development Applications</p> <p>Council-related development application means a development application, for which a council is the consent authority, that is—</p> <p>(a) made by or on behalf of the council, or</p> <p>(b) for development on land, other than a public road within the meaning of the Local Government Act 1993—</p> <p>(i) of which the council is an owner, a lessee or a licensee, or</p> <p>(ii) otherwise vested in or under the control of the council.</p>	Consult	Written notification / letter. Council's Application Tracker.	Acknowledge concerns and provide feedback on how public input was considered in the assessment.	28 days

PROJECT	Level of Engagement	How?	What?	Exhibition period (minimum requirement)
<p>Development application (DA) – application for development consent for State Significant Development.</p> <p>Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. State Significant Development (SSD) is identified in the State Environmental Planning Policy (State and Regional Development) and includes development such as new education establishments, hospitals and correction centres, mining and extraction operations and tourist facilities. A proposal is identified for SSD if it is over a certain size, within a sensitive environmental area, or exceeds a capital investment.</p>	As required by the NSW Department of Planning and Environment.	These are managed by the NSW Department of Planning and Environment and will be viewable on the department's website.	As required by the NSW Department of Planning and Environment.	As required by the NSW Department of Planning and Environment.
<p>Environmental Impact Statement (EIS) – obtained under Division 5.1</p> <p>EIS's prepared for development under Part 5 of the EP A Act for certain development such as State Significant Development.</p>	As required by the NSW Department of Planning and Environment.	Published to the NSW Department of Planning and Environment Planning Portal. Council's website.	As required by the NSW Department of Planning and Environment.	As required by the NSW Department of Planning and Environment.
<p>Modified Development Applications</p>	No requirement. Notification for all Modified Applications being Section 4.55 (1) (1A) and (2) will be at the discretion of the Manager Building and Development Services.	Council's application Tracker.	No requirement.	No requirement.

Disclaimer: For any inconsistencies, refer to the EP & A Act 1979 and regulations 2021.

Note: ✓ For complex applications Council may also notify and advertise in local print media.
 ✓ Where alterations or additions are proposed in statutory planning functions, the level of notification will be at the discretion of the Manager Building and Development Services.

Circumstances Where Notification is Not Required

Some minor development is of a scale and nature that does not require formal notification of adjoining properties. Provided the proposal complies with all applicable development controls (LEP, DCP & other relevant policies) and/or is considered unlikely to detrimentally impact adjoining properties, no formal notification period applies.

This applies to development such as:

- ✓ Residential dwellings
- ✓ Alterations and additions
- ✓ Residential sheds and garages
- ✓ Rural buildings
- ✓ Landscaping
- ✓ Fences
- ✓ Pools
- ✓ Change of use
- ✓ Strata subdivisions of existing developments
- ✓ Boundary adjustments where no additional lots are created



Where required by the plan, written notice of an application will be sent to adjoining owners of land subject of the application. This includes persons who own land that share a common property boundary with the site and land directly on the opposite side of a creek, road, pathway or similar thoroughfare.

As a minimum immediate adjoining properties are identified through Council's property system. Council at its discretion will further notify beyond, depending on the complexity of the application.

Exempt and Complying Development

Some development, such as exempt and complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, does not allow opportunities for community engagement.

Public Exhibition Notification and Timeframes

The process of public exhibition and notification is an important part of how DRC engages with our community on planning decisions. This provides a regular and valuable way for the community to participate in the decision making process by making comments on development proposals or draft plans during the public exhibition period.

Council's public exhibition processes are determined by the type and locality of the draft strategic plan or proposed development. This influences who Council notifies, where the information is available and the timeframe the documents will be publicly available.



The following section outlines the exhibition and notification processes for strategic and statutory planning documents.

Statutory Planning

The assessment of Development Applications (DA's) lodged with Council, primarily under the provisions of the Environmental Planning and Assessment Act, 1979. (EP&A Act)

Strategic Planning

Sets the desired outcomes and provides direction on how to achieve them. The strategic planning function enables development and assists in managing growth and change. Strategic Planning projects include:

- Community Participation Plans.
- Local Strategic Planning Statements.
- Planning Proposals.
- Development Control Plans.
- Developer Contributions Plans.
- Master Plans.
- Structure Plans.
- Policies relating to Development and Environment.
- Community Strategic Plan.

Disclaimer:

Council may go beyond these timeframes and, at its discretion, may provide additional notification or longer timeframes to those property owners and occupiers, community groups, organisations and agencies that, in the opinion of Council, may have an interest in the strategy, plan or development proposal.

DRAFT

What is Public Exhibition?

Public exhibition means making documents, including draft plans, strategies, policies or development applications, available for the community to view and comment on through a formal submission. The public exhibition process typically involves notifying the community that documents are available to view publicly. Depending on the type of development application or plan, notification can be provided through Council's Your Say engagement platform, yoursay.dubbo.nsw.gov.au and/or by mail (letter or email) to members of the community, adjoining landowners and residents or to relevant agencies and community groups.

How are exhibition timeframes determined?

The Local Government Act (1993) also specifies minimum mandatory exhibition timeframes for some planning related matters such as Plans of Management (POMs). For proposals and plans not covered by these Acts, Council has its own standard minimum exhibition timeframes outlined in this strategy. The EP&A Act (1979) details the types of proposals and plans that must be considered. Schedule 1 of the EP&A Act (1979) sets the minimum statutory exhibition timeframes for these plans and proposals.

What is a submission?



When comments on an engagement project, draft document or development application are provided to Council they are known as a formal submission. A submission outlines the support or concerns that an individual or group has relating to the engagement project. Submissions are encouraged to be made via the online engagement platform Your Say – yoursay.dubbo.nsw.gov.au or in writing.

Are Submissions Public Documents?

In accordance with the Government Information (Public Access) Act 2009, submissions to documents on public exhibition are public documents and may be viewed by the public and published on Council's website, listed on Council's DA Online tracker portal and/or included in Council meeting reports and agendas.

If you do not want your submission to be publicly available, a written request for confidentiality will be required.

Council may also determine a submission is not suitable for public viewing and publication. This could be because it contains personal, private or defamatory material. Further information about how Council manages submissions can be found in the "Privacy, Copyright, Disclaimer" section of Council's website, dubbo.nsw.gov.au or in the "Privacy Policy" on Council's Your Say Engagement Platform, yoursay.dubbo.nsw.gov.au.

Personal Information

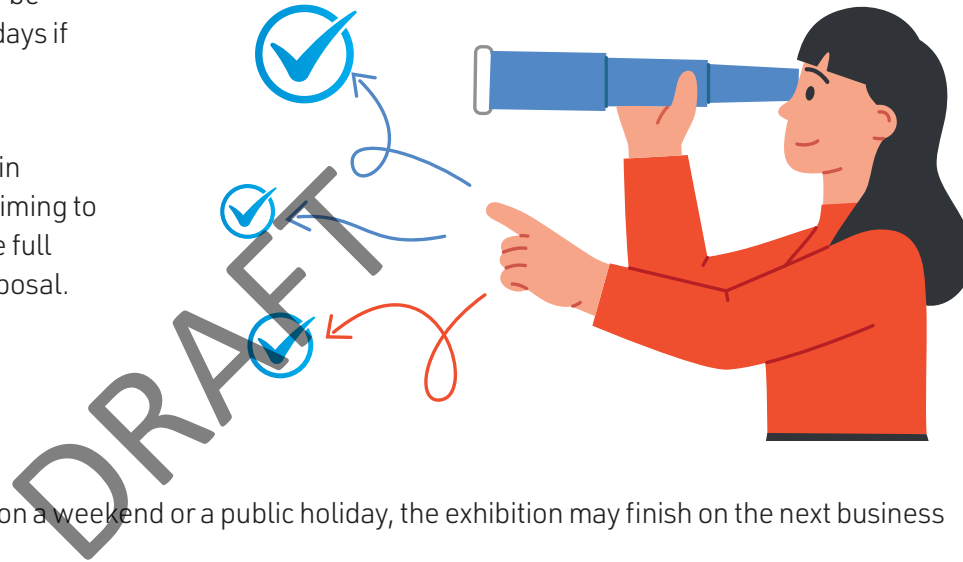
- ✔ Submission must include your name address and preferred contact method. Your Say or email correspondence for Development Applications are preferred.
- ✔ Persons have the right to remain anonymous if they so choose by refraining from submitting their personal information, however, the submission will be given less weight in the overall assessment and consideration.
- ✔ Please be aware that these details may be publicly available.
- ✔ All submissions are publicly available under the Government Information (Public Access) Act 2009 No 52.
- ✔ Effort is made to redact submissions where personal details are included; however, this may not always be possible.

Disclosing political donations

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 imposes disclosure obligations on submitters in relation to political gifts and donations. Detailed information about your obligations under the Act can be found in the "Code of Conduct" section of Council's website, dubbo.nsw.gov.au

Key Points to Note About Public Exhibitions

- ✓ Development Applications (DA'S) may be notified for longer than the minimum days if deemed necessary.
- ✓ Notification periods may be extended in consideration of the mailing process aiming to ensure that people notified receive the full notification period to consider the proposal.
- ✓ Timeframes are in calendar days and include weekends.
- ✓ If the exhibition period is due to close on a weekend or a public holiday, the exhibition may finish on the next business day.
- ✓ The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- ✓ Council is not required to make available for public inspection any part of an Environmental Impact Statement whose publication, in the opinion of Council, would be contrary to the public interest because of its confidential nature or for any other reason.



Here Are Some Tips to Writing an Effective Submission

It can help to include the following information:







- ✓ Include the name of the Engagement Project, Draft Strategic Plan or the DA reference Number and the property address the DA relates to (this information is usually included in the notification material).
- ✓ Clearly state the reasons for objecting or supporting the Engagement Project, Draft Strategic Plan or Development Proposal and why. Give details about how you arrived at your assertions.
- ✓ Be brief and to the point or include a single page summary sheet where the submission is lengthy because of a number of issues covered.
- ✓ Be specific to the Project, DA, Strategic Plan or Strategy and avoid generalising.
- ✓ Be well researched and based on facts, not on hearsay. Talk to Council staff who are dealing with the application / project prior to writing your submission and make sure you understand what is proposed.
- ✓ Avoid statements which are defamatory or offensive.
- ✓ Suggest changes that might resolve the problems identified.
- ✓ Include your name and contact details as well as a daytime telephone number, as a Council staff member may need to clarify matters you raised in your submission.

Should I Sign a Petition?

You may find that someone has started a petition to object to a Council proposal. Someone may also ask you to sign a pro forma letter. Council will consider petitions and letters received. However, an individual letter about how the proposal will affect you gives Council a much clearer picture of the likely impacts.

Where should I send my submission?

Unless otherwise stated on the exhibition, a submission should be sent:

-  **Online** - yoursay.dubbo.nsw.gov.au
-  **By Post** - PO BOX 81, Dubbo NSW 2830
-  **In Person** - Customer Experience Centres
Cnr Church and Darling Street, DUBBO
Cnr Nanima Crescent and Warne Street, WELLINGTON
-  **By email** - council@dubbo.nsw.gov.au
All submissions should be addressed to the Chief Executive Officer



Your submission must be received at Council's Customer Experience Centres by the date and time specified in the exhibition notification. If you are sending your submission through the mail, make sure you allow sufficient time for delivery on the closing date of submissions.

Objections relating to a DA or Strategic Planning document received after the exhibition period has concluded may not be taken into consideration by Council in the assessment of the DA or finalisation of the Draft Strategic Plan.

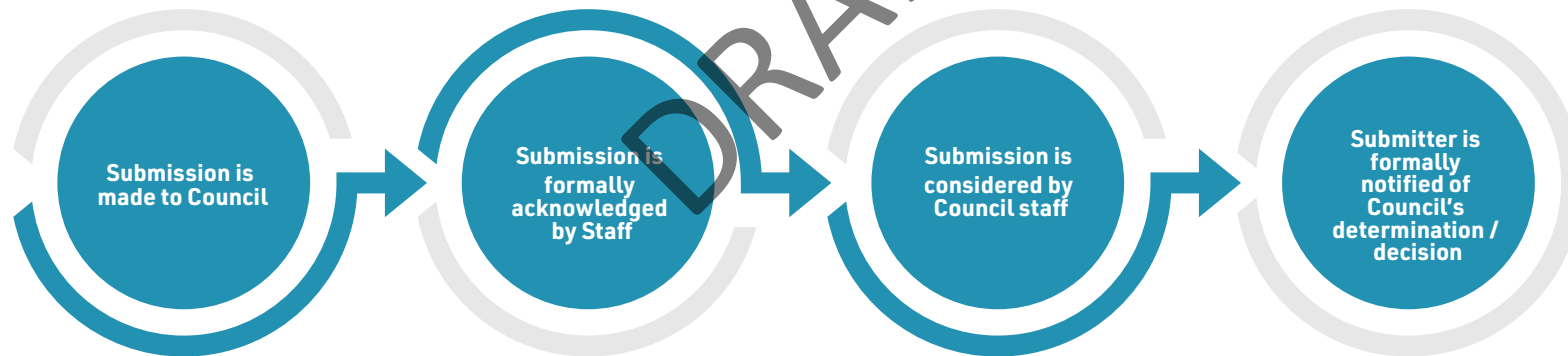
If for some reason you cannot meet the submission deadline, talk to the Council staff member handling the application/project before the closing date for submissions.

What Happens to My Submission?

You will receive notification that your submission has been received. Your submission, along with others received, will then be considered as part of an assessment of the project, DA, preparation of a strategic plan or finalisation of a draft document.

You can continue to track the process of a DA via the Online DA Tracker planning.dubbo.nsw.gov.au

You can also contact Council to find out the progress of a project or draft strategic plan after the exhibition period has closed or visit yoursay.dubbo.nsw.gov.au.



How We Listen and Respond?

We want to ensure community feedback is considered when decisions are made. Once feedback has been considered, Council staff will recommend next steps or outcomes.

As part of the process to close the loop, we will:

-  Update the Your Say engagement project page outlining engagement outcomes and next steps.
-  Email those who provided feedback with the outcomes of the consultation and link to the project page. Prior to Council considering the matter, we will email people who have provided feedback (and who have not opted out of receiving updates) that a report will be submitted to council.



How We Listen and Respond?

When an item is placed on exhibition the resulting report to Council will provide the findings of the community engagement. The council report will be a high level summary of engagement and may include:



Engagement and communications methods used;



Participation and engagement data and sentiment;



Information about submissions/feedback received.

The report will summarise the submissions and provide a staff response. Submissions may be provided as an attachment.

Following a Council meeting, those who provided feedback (and who have not opted out of receiving updates) will be emailed Council's resolution. The Your Say project page be updated and a link to Agenda and Minutes will be accessible.



Evaluation and Measurement

To measure and evaluate the effectiveness of our engagement, we assess:

- ✓ Measurable participation levels in engagement activities;
- ✓ The methods used and if they were appropriate and relevant to the stakeholders;
- ✓ If the responses were relevant to the plan or project;
- ✓ Verbal and written feedback from the community on the effectiveness of the engagement activities used and adequacy of the material and information to give informed feedback;
- ✓ Achievement of the engagement aims in the Community Engagement Strategy
- ✓ General and targeted monitoring in ensure diverse participation including input from under represented groups.



These evaluation results will be used to continually improve our engagement methods and inform future engagement strategies.

In line with the Integrated Planning and Reporting Framework (IP&R) this strategy will be reviewed within three months of the Local Government Election, as part of the broader review of the Community Strategic Plan, or as required in the event of legislative changes or requirements.

Our Commitment to Engagement

This strategy provides a vision and framework to support community engagement, and delivering on this will require ongoing strengthening of capability within the Council and the community to support effective engagement.

Putting our commitment into action

Action	Objectives	When
Launch an online engagement platform	Improve Council's online engagement by providing a platform that is equipped with a range of engagement tools to gather community feedback in real-time.	April 2023
Champion engagement across the organisation.	Harnessing organisational culture to support the consistent delivery of engagement activities across Council, and include as desired leadership quality and capability.	Ongoing
Creation of internal dashboard that exhibits customer and community satisfaction as a key performance indicator	Centralised overview of key performance indicators council wide.	September 2024
Establish centralised collection of community data and insights to support Council decision making and Council initiated projects for grants	Insights and data support decision making and prioritisation.	September 2024
Promotion of the Your Say platform as central engagement	Community access to information is vital to gain community input.	Ongoing
Build internal capability in data collection and survey design to ensure research method and channels utilised across the organisation are optimised.	Ability to gain quality input and as required representative input is important in ensuring data integrity and utilisation.	December 2023

Action	Objectives	When
Provide transparent communication of engagement results, from initial high level snapshots to post Council decision making communications.	Engagement snapshots provided to participants within a week of public exhibition period closing, providing participant with overviews of engagement activities and next steps.	July 2023
Provide staff information sessions	Ensure staff are familiar with Council's objective for community engagement, the level of engagement required, and the methods of engagement available to them and how to access and use these methods. Increase number of face to face interactions/consultations.	Ongoing
Staff to be trained in facilitation	Improve confidence and capability of staff to facilitate face to face interactions with groups. Increase number of face to face interactions/consultations.	Ongoing
Budget and resourcing	Allocation of meaningful budget and resourcing to satisfy community engagement aims and standards outlined in this strategy	Ongoing
Improved clarity and communication of sought community participation as part of Council reports and resolution	Being clear on level of community participation (input level based on ability to influence) will ensure appropriate engagement methods and expectation management of Councillor and community.	October 2023
Consistent provision of community engagement outcomes to Council	Consistent presentation of data, including considered responses support transparency and informed decision making through the lens of risk, opportunity, impact and benefit.	August 2023
Assessment of the Community Consultation Committees against the resolutions of Council and in alignment of adopted Engagement Strategy.	Examining current engagement practices is critical to ensuring outcomes in line with expectations and enabling opportunity to explore potentially better methods to achieved desired outcome.	November 2023
Biennial Community Satisfaction and Needs Survey undertaken to receive insight to satisfaction and service level expectations and willingness to pay.	Survey design and subsequent outputs to assist in finalising draft operational plan and budget, and inform future four year delivery program.	April 2024

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[Yoursay.dubbo.nsw.gov.au](https://yoursay.dubbo.nsw.gov.au)



Cnr Church and Darling Streets, Dubbo
Cnr Nanima Crescent and Warne Street, Wellington

Ph: (02) 6801 4000
council@dubbo.nsw.gov.au
PO Box 81, Dubbo NSW 2830

Planning Agreement

between



Wellington Council

ABN: 57 268 387 231

and



Bodangora Wind Farm Pty Ltd

ACN: 134 443 904

1st March 2013

Wellington Council

PO Box 62 Wellington NSW 2820

Phone 02 6840 1700

mail@wellington.nsw.gov.au / www.wellington.nsw.gov.au

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1. PARTIES

- Wellington Council of 1 Nanima Crescent, Wellington, NSW 2820 ('**Council**');
- Bodangora Wind Farm Pty Ltd of Level 22, 56 Pitt Street, Sydney, NSW 2000 ('**Proponent**').

2. BACKGROUND

- 2.1 On 14th October 2010 the Proponent made a Development Application to the NSW Department of Planning & Infrastructure for Development Consent to carry out the Development on the Land (approximately 15 kilometres northeast of Wellington township). This Development is identified by the Department of Planning & Infrastructure as Major Project Application No. 10_0157.
- 2.2 The Proponent has agreed to enter into this Agreement and, provided that Construction Commencement is achieved, to pay the Development Contributions to the Council on the basis that Development Consent is granted by the NSW Government.

3. OPERATIVE PROVISIONS OF THIS AGREEMENT**3.1 PLANNING AGREEMENT UNDER THE ACT**

The Parties agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

3.2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Development as identified in Attachment A of this Agreement on Land which is identified in Attachment A of this Agreement.

3.3 OPERATION OF THIS AGREEMENT

- a) The operation of this Agreement is subject to and conditional upon:
- (i) final Development Consent for the Development being received on terms and conditions acceptable to the Proponent acting reasonably; and
 - (ii) Construction Commencement being achieved,
- (together the '**Conditions**').
- b) This Agreement shall have no force or effect until both of the Conditions have been satisfied.
- c) Payment of the financial contributions due in the first calendar year shall be made pro rata, dependent on the date in that year the Conditions are met.

3.4 DEFINITIONS AND INTERPRETATION

In this Agreement, the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979*.

Approval means any approvals, consents, certificates, permits, endorsements, licences, conditions or requirements (and any modifications or variations to them) which may be required by law or by adjoining owners for the commencement and carrying out of the Development generally and includes an approval under Part 3A of the Act (if relevant).

Base Year means the calendar year commencing 1 January 2013.

Business Day means a day on which banks are open for general business in Sydney excluding Saturdays, Sundays and public holidays.

Conditions is defined in clause 3.3(a).

Council means Wellington Council.

Construction Commencement means the Project has reached financial close in securing all debt and equity required to build the Project, the Department has approved the Construction Environmental Management Plan for the Project and an Environmental Protection Licence has been issued by the NSW Department of Environment on terms acceptable to the Proponent and the Proponent has mobilised to site in preparation for commencing civil works on public road infrastructure requirements in accordance with the findings of the Traffic Study, the agreed scope of which is the Traffic Study Brief dated 2nd November 2012. For the avoidance of doubt, mobilisation to site does not include undertaking activities such as geotechnical investigations, surveys of any nature or resource monitoring.

CPI means:

- a) the Consumer Price Index (All Groups, Sydney) published by the Australian Bureau of Statistics from time to time; or
- b) if for any reason the Consumer Price Index (All Groups, Sydney) is not published for any year, or if publication is delayed until after the relevant CPI Adjustment Date, the Consumer Price Index (All Groups, Sydney) published for the previous year; or
- c) if the Australian Bureau of Statistics ceases to publish the Consumer Price Index (All Groups, Sydney) and publishes another index which replaces it, then the other index.

CPI Adjustment Date means 1 January in each successive year after the Base Year.

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

Department means the NSW Department of Planning and Infrastructure.

Development or Project means the project known as the 'Bodangora Wind Farm' as detailed in Attachment A of this document.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution or the provision of a material public benefit, the schedule of which is listed in Table 1 contained herein.

Dispute is defined in clause 7.1.

GST has the same meaning as in the GST Law.

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

Insolvency Event means any of the following events:

- a) a Party ceases to (or is unable to) pay its creditors (or any class of them) in the ordinary course of business, or announces its intention to do so;
- b) a receiver, manager, receiver and manager, administrator or similar officer is appointed with respect to a Party or any of its assets;
- c) a Party enters into, or resolves to enter into, a scheme of arrangement, compromise or composition with any class of creditors;
- d) a resolution is passed or an order is made for the winding up or dissolution of a Party; or
- e) anything having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.

Land means the land described in Attachment A of this Agreement.

Modification means a modification to the Development Application that would result in thirty five (35) or more wind turbines being approved for the Project.

Party means a party to this agreement, including its successors and assigns.

Proponent means Bodangora Wind Farm Pty Ltd or any subsequent owner of the Development.

3.5 INTERPRETATION OF THIS AGREEMENT

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- c) If the day in which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- d) A reference in this Agreement to 'dollars' or '\$' means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- g) A reference to a clause, part, schedule or attachment is a reference to a clause, part schedule or attachment to this Agreement.

- h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- k) References to the word 'include' or 'including' are to be construed without limitation.
- l) A reference to this Agreement includes the agreement recorded in this Agreement.
- m) A reference to a party to this Agreement includes a reference to the servants, agents, and contractors of the party, and the party's successors and assigns.
- n) Any schedules, tables and attachments form part of this Agreement.

4. DEVELOPMENT CONTRIBUTIONS TO BE MADE UNDER THIS AGREEMENT

- 4.1 Subject to satisfaction of the Condition and the operation of clause 3.3, the Proponent commits to make the Development Contributions listed in Table 1 below to Council, by Electronic Funds Transfer, in accordance with the manner and timing stated in the same table.

Table 1: The Development Contributions

1	Community Benefit Fund	1,250,000	\$50,000/year paid for 25 years, with 50% payable on 1 st July and 50% payable on 5 th January each year.
2	Road Maintenance	625,000	\$25,000/year paid for 25 years with 50% payable on 1 st July and 50% payable on 5 th January each year.
3	Project Related Council Administration and Observations	250,000	\$10,000/year paid for 25 years, with 50% payable on 1 st July and 50% payable on 5 th January each year.
	Total over the first 25 years of the life of the Project	2,125,000 +CPI	

The Proponent will not be required to make any ad hoc contributions (in addition to the Development Contributions) however it may at its discretion make other donations for community purposes.

- 4.2 On each CPI Adjustment Date, Development Contributions which are payable by the Proponent will be indexed by reference to the CPI for the year ending 31 September in the calendar year preceding the year in which the CPI Adjustment Date occurs. The adjustment is to be calculated by the following formula:

$$DC_n - DC_1 \times I_n / I_1$$

where:

DC_n is the indexed Development Contribution (for year n);

DC_1 is the original amount of the Development Contribution, as set out in Table 1;

I_n is the CPI for the year ending 31 September in the calendar year preceding the year for which the calculation is being made; and

I_1 is the CPI for the Base Year.

- 4.3 The Development Contributions paid pursuant to subclause 4.1 may be pooled with other monies held by Council which have similar and relevant objectives, subject to the Proponent having the opportunity to make representations for certain expenditure for the benefit of Bodangora and district residents. The Council must have regard to the opinions expressed by the Proponent but will not be bound by them.
- 4.4 In addition to the Development Contributions listed in Table 1 above, and as per the findings of the Traffic Study (acceptable to both Parties), the Proponent undertakes at its own expense to:
- a) upgrade Gillinghall Road (and related intersections, causeways, etc) from the intersection with Goolma Road to the intersection of Driell Creek Road, in accordance with plans approved by Council, prior to any Project construction work commencing (other than site mobilisation);
 - b) upgrade other roads, bridges, intersections, in the Bodangora district that require modification in the reasonable opinion of Council, to allow construction of the Development, in accordance with plans approved by Council, prior to any Project construction work commencing (other than site mobilisation);
 - c) maintain Gillinghall Road from the intersection with Goolma Road to the intersection of Driell Creek Road for the duration of the construction phase of the Development, to the reasonable satisfaction of Council;
 - d) If, during the life of the Project, Council provides evidence of significant increases in traffic volumes or vehicle types on other roads in the locality not addressed in the abovementioned Traffic Study that can be directly attributable to the Project, the Proponent agrees to reach a negotiated settlement with Council to provide additional funds for road repair, maintenance or upgrade works. In an endeavour to avoid this impact the Proponent will require contractors and staff to travel on designated routes; and

- d) pay Council \$120/tonne (adjusted for CPI in accordance with clause 4.2 as if they were Development Contributions) plus any carbon cost imposed by the waste management facility that accepts the waste generated by the Project.

The works a) to c) above shall be carried out by the Proponent as soon as practicable after the date the Conditions are satisfied but subject always to the operation of clause 3.3.

5. CONFIDENTIALITY

- 5.1 The Parties agree that the terms of this Agreement are not confidential and that this Agreement may be treated as a public document and exhibited or reported without restriction by either Party.

6. AMENDMENT TO THIS AGREEMENT

- 6.1 This Agreement may only be amended if Council and the Proponent agree to enter into a new Agreement or in accordance with clause 19.

7. DISPUTE RESOLUTION

- 7.1 In the event a dispute between the Parties arises in relation to any activity, payment or item as covered in this Agreement (a "Dispute"), the Dispute is to be resolved through the following process (as required):

- a) A Party claiming that a Dispute has arisen must give written notice to the other Party specifying the nature of the Dispute;
- b) Within ten (10) days of receipt of notice of a claim of a Dispute, both Parties must endeavour, in good faith, to resolve the Dispute swiftly using informal dispute resolution methods such as discussion or expert evaluation as agreed by both Parties;
- c) If the Parties fail to resolve the Dispute within 21 Business Days of receipt of notice (or any further period agreed in writing by them) as to:
 - i) the Dispute resolution method and procedures to be adopted;
 - ii) the timetable for all steps in those procedures; or
 - iii) if applicable, the selection and compensation of the independent person required for any agreed expert evaluation,

the Parties must mediate the Dispute in accordance with the Alternative Dispute Resolution process of the Law Society of NSW. The Parties must request the President of the Law Society of NSW or the President's nominee to select the mediator;

- d) The costs associated with the mediation must be shared equally between the Parties, unless the mediator determines otherwise; and
- e) If the Dispute is not resolved within 60 Business Days after the initial notice of the Dispute is given under clause 7.1(a), then either Party, having exhausted efforts to resolve the Dispute in accordance with this section, may, in writing, terminate the Dispute resolution process and commence court proceedings in relation to the Dispute.

8. ENFORCEMENT

- 8.1 The Proponent commits an "event of default" if it commits, permits or suffers to occur any breach or default in the due and punctual observance and performance of any of the covenants, obligations and provisions to be performed or observed by the Proponent under this Agreement.
- 8.2 Where the Proponent commits an event of default the Council may:
- a) serve a notice on the Proponent requiring the breach of this Agreement to be rectified within a reasonable period (being not less than 28 Business Days from the date of the notice); and
 - b) claim damages for breach of contract from the Proponent.
- 8.3 The rights vested in Council pursuant to clause 8.2 above do not prevent the Council from exercising any other rights that it may possess at law.
- 8.4 If there is any Dispute as to whether an event of default has occurred, then any enforcement by the Council of this Agreement shall be suspended pending the outcome of the Dispute resolution procedure prescribed in clause 7.

9. TERMINATION AND SUSPENSION

- 9.1.1 Subject always to clause 8.4, this Agreement terminates upon the occurrence of any of the following events:
- a) the Parties agree in writing to terminate this Agreement;
 - b) an Insolvency Event affects a Party; or
 - c) the Council, acting reasonably, serves notice on the Proponent terminating this Agreement where the Proponent has failed to comply with a notice issued in accordance with clause 8.2(a).
- 9.2 Upon termination of this Agreement:
- a) all future rights and obligations of the Parties under this Agreement are discharged; and
 - b) all pre-existing rights and obligations of the Parties under this Agreement continue to subsist.

10. NOTICES

- 10.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- a) delivered or posted to that Party at its address set out below; or
 - b) faxed to that Party at its fax number set out below.

Wellington Council

Attention: Mr Michael Tolhurst, General Manager
 Address: 1 Nanima Crescent , Wellington, NSW 2820
 PO Box 62, Wellington, NSW 2820
 Fax Number: (02) 6840 1791

Bodangora Wind Farm Pty Ltd

Attention: Mr Frank Boland, Development Manager
 Address: Level 22, 56 Pitt Street, Sydney, NSW 2000
 Fax Number: (02) 9247 6086

- 10.2 If a Party gives the other Party three Business Days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 10.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- a) if it is delivered, when it was left at the relevant address;
 - b) if it is sent by post, two Business Days after it is posted; or
 - c) if it is sent by fax, as soon as the sender receives from the sender's fax machine, a fax report of an error free transmission to the correct fax number.
- 10.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5 pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

11 COSTS

Each Party shall pay its own costs in relation to negotiating, preparing and executing this Agreement.

12 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed except as permitted by law.

13 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

14 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

15 NO FETTER

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

16 REPRESENTATIONS AND WARRANTIES

16.1 Each of the Parties represents and warrants to the other Party that it has power to enter this Agreement and comply with its obligations under this Agreement and that entry into this Agreement will not result in the breach by it of any law applicable to it.

16.2 Each Party warrants to each other Party that:

- a) this Agreement creates a legal, valid and binding obligation, enforceable against the relevant Party in accordance with its terms; and
- b) unless otherwise stated, it has not entered into this Agreement in the capacity of trustee of any trust.

17 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

18 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

19 RENEWAL/REPLACEMENT OF THIS AGREEMENT

During the term of this Agreement, the Parties agree to review and amend the Agreement if a Modification to the original planning consent is sought for the Development. Any amendments

resulting from such a review will only become effective if the Modification is approved by the consent authority and the works relating to the Modification are commenced.

Regardless, during the twenty fifth year after commencement of construction of the Development, the Parties agree to negotiate a replacement for, or an extension of, this current Agreement as determined by circumstances at the time.

This Planning Agreement shall be deemed to remain in force, even beyond the initial twenty five year period, and until such time as it is renegotiated and replaced.

20 WAIVER

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 breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. 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 that obligation or breach in relation to any other occasion.

21 GST

- 21.1 Capitalised terms used in this clause 21 which are not otherwise defined have the same meanings as in the GST Law.
- 21.2 Any consideration or amount payable under this Agreement, including any non-monetary consideration (as reduced in accordance with clause 21.6 if required) ("**Consideration**") is exclusive of GST.
- 21.3 If GST is or becomes payable on a Supply made under or in connection with this Agreement, an additional amount ("**Additional Amount**") is payable by the Party providing the Consideration for the Supply ("**Recipient**") equal to the amount of GST payable on that Supply as calculated by the Party making the Supply ("**Supplier**") in accordance with the GST Law.
- 21.4 The Additional Amount payable under clause 21.3 is payable at the same time and in the same manner as the Consideration for the Supply but is only payable on receipt of a valid Tax Invoice.
- 21.5 If for any reason (including the occurrence of an Adjustment Event) the amount of GST payable on a Supply made under or in connection with this Agreement (taking into account any Decreasing or Increasing Adjustments in relation to the Supply) varies from the Additional Amount payable by the Recipient under clause 21.3:
- a) the Supplier must provide a refund or credit to the Recipient, or the Recipient must pay a further amount to the Supplier, as appropriate;
 - b) the refund, credit or further amount (as the case may be) will be calculated by the Supplier in accordance with the GST Law; and

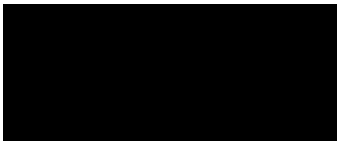
- c) the Supplier must notify the Recipient of the refund, credit or further amount within 14 days after becoming aware of the variation to the amount of GST payable. If there is an Adjustment Event in relation to the Supply, the requirement for the Supplier to notify the Recipient will be satisfied by the Supplier issuing to the Recipient an Adjustment Note within 14 days after becoming aware of the occurrence of the Adjustment Event.
- 21.6 Notwithstanding any other provision in this Sublease, if an amount payable under or in connection with this Agreement (whether by way of reimbursement or otherwise) is calculated by reference to an amount incurred by a Party, whether by way of cost, expense, outlay, disbursement or otherwise ("**Amount Incurred**"), the amount payable must be reduced by the amount of any Input Tax Credit to which that Party is entitled in respect of that Amount Incurred.
- 21.7 Any reference in this clause 21 to an Input Tax Credit to which a Party is entitled includes, without limitation, an Input Tax Credit arising from a Creditable Acquisition by that Party but to which the Representative Member of a GST Group of which the Party is a Member is entitled.

EXECUTION

DATED: 12th March 2013

EXECUTED AS AN AGREEMENT:

The Common Seal of Wellington Council was affixed in the presence of:



Mayor

Name (printed)

RODRICK BUHR

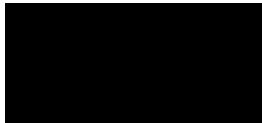


General Manager

Name (printed)

MICHAEL TOLHURST

Executed by Bodangora Wind Farm Pty Ltd in accordance with section 127(1) of the Corporations Act 2001 (Cth) by authority of its directors:



Director: GEOFFREY DUTAILLIS

Name (printed)



Director/Secretary: DAVID RICHARDSON

Name (printed)

ATTACHMENT A

THE DEVELOPMENT

The proposed Bodangora Wind Farm as described in the Environmental Assessment report dated May 2012 and further described in the Preferred Project Report of November 2012, and submitted to the NSW Department of Planning and Infrastructure for review and determination.

DESCRIPTION OF SUBJECT LAND

The Land Title details are shown below:

Property	Lot/Portion	DP	Turbine Numbers
Landowner A	72	754320	32, 38
Landowner B	97	754290	43
	11	133286	44
	2	133286	45
	2	133286	-
	199	754290	33, 36, 39, 41
	151	754290	-
	56	754320	26, 27
	55	754320	25
	74	754320	-
Landowner C	1	837502	34, 35, 37
	31	754290	10
	195	754290	-
Landowner D	181	754290	16
	161	754290	23
	59	754320	20
	169	754290	15, 21, 22, 24, 29, 30
	168	754290	31
Landowner E	89	754320	12, 13, 17, 18, 19
	88	754320	-
Landowner F	71	750557	-
	45	750776	-
	12	750776	-
	13	750776	-
	77	754320	-
	52	754320	-
	75	754320	-
	76	754320	-
Optional Landowner G	2	837502	-
Landowner H	190	754290	42
	98	754327	46
Optional Landowner I	3	754290	-