



# AGENDA

## ORDINARY COUNCIL MEETING

### 23 JULY 2018

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

The meeting is scheduled to commence at 5.30pm.

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#### PRAYER:

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

#### ACKNOWLEDGEMENT OF COUNTRY:

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

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**CCL18/115 CONFIRMATION OF MINUTES (ID18/1124)** 5  
Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 25 June 2018.

**CCL18/116 LEAVE OF ABSENCE (ID18/1125)**

**CCL18/117 PUBLIC FORUM (ID18/1126)**

#### INFORMATION ONLY MATTERS:

**CCL18/118 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - JUNE 2018 (ID18/1122)** 38  
The Council had before it the report dated 6 July 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - June 2018.

**CCL18/119 SOLID WASTE SERVICES - PETITION (ID18/1135)** 42  
The Council had before it the report dated 10 July 2018 from the Manager Solid Waste regarding Solid Waste Services - Petition.

**MATTERS CONSIDERED BY COMMITTEES:**

- CCL18/120 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE MEETING 9 JULY 2018 (ID18/1127)** 46  
The Council had before it the report of the Planning, Development and Environment Committee meeting held 9 July 2018.
- CCL18/121 REPORT OF THE INFRASTRUCTURE COMMUNITY AND RECREATION COMMITTEE MEETING 9 JULY 2018 (ID18/1128)** 50  
The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 9 July 2018.
- ICRC18/58 DEDICATION AS PUBLIC ROAD OF LAND ADJACENT TO GOLDEN HIGHWAY, BOOTHENBA (ID18/1027)**  
The Committee had before it the report dated 25 June 2018 from the Manager Transport and Emergency regarding Dedication as Public Road of Land Adjacent to Golden Highway, Bootherba.
- ICRC18/59 DEDICATION AS PUBLIC ROAD OF LAND AT EUMUNGERIE (ID18/1025)**  
The Committee had before it the report dated 23 June 2018 from the Manager Transport and Emergency regarding Dedication as Public Road of Land at Eumungerie.
- CCL18/122 REPORT OF THE ECONOMIC DEVELOPMENT BUSINESS AND CORPORATE COMMITTEE - MEETING 9 JULY 2018 (ID18/1129)** 58  
The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 9 July 2018.
- CCL18/123 REPORT OF THE STREET TREE ADVISORY COMMITTEE - MEETING 3 JULY 2018 (ID18/1123)** 63  
The Council had before it the report of the Street Tree Advisory Committee meeting held 3 July 2018.

**NOTICES OF MOTION:**

- CCL18/124 TRANSPARENCY AND OVERSIGHT OF VARIATIONS TO DEVELOPER CONTRIBUTIONS (ID18/1182)** 83  
Council had before it a Notice of Motion dated 18 July 2018 from Councillor Lawrence regarding the Transparency and Oversight of Variations to Developer Contributions.



REPORTS FROM STAFF:

- CCL18/125 CHIEF EXECUTIVE OFFICER SPONSORSHIP FUND (ID18/1147)** 103  
The Council had before it the report dated 12 July 2018 from the Chief Executive Officer regarding Chief Executive Officer Sponsorship Fund.
- CCL18/126 ATTENDANCE AT 2018 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS (ID18/1131)** 105  
The Council had before it the report dated 6 July 2018 from the Executive Manager Governance and Internal Control regarding Attendance at 2018 National Local Roads and Transport Congress.
- CCL18/127 DRAFT - COMPLAINT MANAGEMENT AND INTERNAL OMBUDSMAN POLICIES (ID18/1134)** 109  
The Council had before it the report dated 9 July 2018 from the Internal Ombudsman regarding Draft - Complaint Management and Internal Ombudsman Policies.
- CCL18/128 D2013-499 PART 4 - 145 COBBORA ROAD AND 6 PEGASUS PLACE, DUBBO. VALIDITY OF DEVELOPER CONTRIBUTION CONDITIONS. APPLICANT/OWNER: RYALS HOLDINGS PTY. LTD. CONSULTANT: J & M COOK ENGINEERING (ID18/983)** 143  
The Council had before it the report dated 10 July 2018 from the Manager Building and Development regarding D2013-499 Part 4 - 145 Cobbora Road and 6 Pegasus Place, Dubbo. Validity of Developer Contribution Conditions.  
Applicant/Owner: Ryals Holdings Pty. Ltd.  
Consultant: J & M Cook Engineering.
- CCL18/129 DRAFT POLICY - DEALING WITH DEVELOPMENT APPLICATIONS FOR COUNCILLORS AND EMPLOYEES (ID18/1120)** 161  
The Council had before it the report dated 9 July 2018 from the Manager Building and Development regarding Draft Policy - Dealing with Development Applications for Councillors and Employees.
- CCL18/130 DRAFT POLICY - INCOMPLETE AND INADEQUATE DEVELOPMENT APPLICATION MANAGEMENT (ID18/1121)** 176  
The Council had before it the report dated 9 July 2018 from the Manager Building and Development regarding Draft Policy - Incomplete and Inadequate Development Application Management.

<b>CCL18/131</b>	<b>DRAFT PLANNING AGREEMENT POLICY - RESULTS OF PUBLIC EXHIBITION (ID18/890)</b>	187
	The Council had before it the report dated 14 June 2018 from the Manager Strategic Planning Services regarding Draft Planning Agreement Policy - Results of Public Exhibition.	
<b>CCL18/132</b>	<b>DRAFT DUBBO AQUATIC LEISURE CENTRE MASTER PLAN 2017-2036 (ID18/1118)</b>	249
	The Council had before it the report dated 10 July 2018 from the Senior Strategic Planner regarding Draft Dubbo Aquatic Leisure Centre Master Plan 2017-2036.	
<b>CCL18/133</b>	<b>WIRADJURI TOURISM EXPERIENCE CONSULTATION PLAN AND PROGRESS REPORT (ID18/1119)</b>	323
	The Council had before it the report dated 5 July 2018 from the Director Community and Recreation regarding Wiradjuri Tourism Experience Consultation Plan and Progress Report.	
<b>CCL18/134</b>	<b>ACQUISITION OF LAND FOR ROAD WIDENING - PORTION (W) ANNEXED FROM LOT 118 DP 756920 - 8089 BURRENDONG WAY, DRIPSTONE (ID18/1112)</b>	336
	The Council had before it the report dated 3 July 2018 from the Property Development Officer regarding Acquisition of Land for Road Widening - Portion (W) annexed from Lot 118 DP 756920 - 8089 Burrendong Way, Dripstone.	
<b>CCL18/76</b>	<b>STRONGER COMMUNITIES FUND - COMMUNITY GRANTS PROGRAM (ROUND 3) (ID18/1137)</b>	342
	The Council had before it the report dated 10 July 2018 from the Economic Project and Grants Officer regarding Stronger Communities Fund - Community Grants Program (Round 3).	
<b>CCL18/136</b>	<b>COMMENTS AND MATTERS OF URGENCY (ID18/1130)</b>	



## Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 25 June 2018.

### RECOMMENDATION

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 25 June 2018 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.**

Appendices:

- 1 [↓](#) Minutes - Ordinary Council Meeting - 25/06/2018
- 2 [↓](#) Minutes - Committee of the Whole - 25/06/2018



# REPORT

## ORDINARY COUNCIL MEETING

### 25 JUNE 2018

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

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Team Leader Governance, the Director Corporate Services (J Bassingthwaighte), the Director Economic Development and Business, the Stakeholder Engagement Coordinator, the Communications Coordinator, the Dubbo Airport Operations Manager, the Director Infrastructure and Operations, the Manager Transport and Emergency, the Director Planning and Environment (S Jennings), the Manager Building and Development Services (D Quigley), the Senior Strategic Planner, the Director Community and Recreation, the Manager Social Services and the Youth Development Officer.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm 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 J Ryan.

**CCL18/88 CONFIRMATION OF MINUTES (ID18/977)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 May 2018.

Moved by Councillor A Jones and seconded by Councillor K Parker

**MOTION**

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 28 May 2018 comprising pages 7, 8, 9, 10, 11, 12, 13 and 14 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.**

**CARRIED**

**CCL18/89 LEAVE OF ABSENCE (ID18/978)**

There were no applications for leave of absence.

**CCL18/90 PUBLIC FORUM (ID18/979)**

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

- Mr Colin Selwood – regarding CCL18/109 Proposed Concept Pedestrian Facilities – Windsor Parade Dubbo.
- Ms Fran Kelly – regarding CCL18/109 Proposed Concept Pedestrian Facilities – Windsor Parade Dubbo.
- Mr Mark Conn – regarding CCL18/102 – Bodangora Aerodrome Fees and Charges.
- Mrs Libby McMahon – regarding CCL18/102 – Upgrade to Old Mendooran Road.
- Ms Jan Pulbrook – Stuart Town Water Solutions.
- Jack Randall – lack of strategic direction for Creative Industries in the 2040 Community Strategic Plan.
- Alex Ferguson – Lifeline.
- Mr Robert Gill – Ballimore Road Group regarding submission in the Community Strategic Plan.

**MAYORAL MINUTES:****CCL18/91 FOCUSING ON THE BEAUTIFICATION OF THE MACQUARIE RIVER CORRIDOR OF THE DUBBO CENTRAL BUSINESS DISTRICT (ID18/205)**

The Council had before it the Mayoral Minute regarding Focusing on the Beautification of the Macquarie River Corridor of the Dubbo Central Business District.

Moved by Councillor B Shields

**MOTION**

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

**CARRIED**

**CCL18/92 COUNCIL REPRESENTATIVE TO THE TONY MCGRANE FOUNDATION SCHOLARSHIP COMMITTEE (ID18/962)**

The Council had before it the Mayoral Minute regarding Council Representative to the Tony McGrane Foundation Scholarship Committee.

Moved by Councillor B Shields

**MOTION**

**That Council determine a suitable representative to nominate for a position on the Tony McGrane Foundation Scholarship Committee.**

At this stage, nominations were invited for one (1) delegate to be the Council representative on the Tony McGrane Foundation Scholarship Committee. The following nomination was received:

Councillor J Diffey nominated by Councillor G Mohr and Councillor A Jones.

Councillor J Diffey accepted her nomination.

**MOTION**

**That Councillor J Diffey be the nominated delegate to be the Council Representative to the Tony McGrane Foundation Scholarship Committee.**

**CARRIED**

**CCL18/93 DUBBO AQUATIC LEISURE CENTRE MASTERPLAN (ID18/991)**

The Council had before it the Mayoral Minute regarding Dubbo Aquatic Leisure Centre Masterplan.

Moved by Councillor B Shields

**MOTION**

- 1. That the master planning process for the Dubbo Aquatic Leisure Centre be undertaken and presented to Council in July 2018 for the purpose of placing the draft Dubbo Aquatic Leisure Centre Master Plan on public exhibition.**
- 2. That the draft Dubbo Aquatic Leisure Centre Master Plan, be placed on public exhibition for a period of not less than 28 days.**
- 3. That the draft Dubbo Aquatic Leisure Centre Master Plan and submissions made by the public be considered by Council for adoption in September 2018.**
- 4. That an allocation in the 2018/2019 budget be made to develop designs for an indoor aquatic facility, to Development Application standard, for the purpose of seeking grant funding opportunities in the short term.**
- 5. That a business case to be undertaken for the purposes of determining and seeking funding opportunities for this construction work.**
- 6. That an amount of \$29,500 be allocated to the master plan and business case development to be funded from unallocated restricted asset funds in the 2018/2019**

budget.

CARRIED

**CCL18/94 RING ROAD FOR DUBBO (ID18/1012)**

The Council had before it the Mayoral Minute regarding Ring Road for Dubbo.

Moved by Councillor B Shields

**MOTION**

**That Dubbo Regional Council issue a survey to residents that gauges community support for the proposed River Street Bridge option which is to be circulated during the issue of the second quarter rate notice in October 2018.**

CARRIED

**CCL18/94a PEDESTRIAN CROSSING IN GEURIE**

The Council had before it the Mayoral Minute regarding Pedestrian Crossing in Geurie.

Moved by Councillor B Shields

**MOTION**

1. That Council work collaboratively with Roads and Maritime Service to achieve a safer pedestrian crossing environment in Geurie.
2. That once responses are received from the Roads and Maritime Service, Council to hold further consultation with the residents of Geurie.

CARRIED

**MATTERS CONSIDERED BY COMMITTEES:**

**CCL18/95 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE  
- MEETING 12 JUNE 2018 (ID18/988)**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 12 June 2018.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

**MOTION**

**That the report of the Planning, Development and Environment Committee meeting held on 12 June 2018, be noted.**

CARRIED

**CCL18/96 REPORT OF THE INFRASTRUCTURE COMMUNITY AND RECREATION COMMITTEE - MEETING 12 JUNE 2018 (ID18/989)**

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 12 June 2018.

Moved by Councillor S Lawrence and seconded by Councillor D Gumley

**MOTION**

**That the report of the Infrastructure, Community and Recreation Committee meeting held on 12 June 2018, be noted.**

**CARRIED**

**CCL18/97 REPORT OF THE ECONOMIC DEVELOPMENT BUSINESS AND CORPORATE COMMITTEE - MEETING 12 JUNE 2018 (ID18/990)**

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 12 June 2018.

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

**MOTION**

**That the report of the Economic Development, Business and Corporate Committee meeting held on 12 June 2018, be noted.**

**CARRIED**

**CCL18/98 REPORT OF THE DUBBO REGIONAL AIRPORTS COMMITTEE - MEETING 6 JUNE 2018 (ID18/976)**

The Council had before it the report of the Dubbo Regional Airports Committee meeting held 6 June 2018.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

**MOTION**

**That the report of the Dubbo Regional Airports Committee meeting held on 6 June 2018, be adopted.**

**CARRIED**



**CCL18/99 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 15 JUNE 2018 (ID18/981)**

The Council had before it the report of the Audit and Risk Management Committee meeting held 15 June 2018.

Moved by Councillor A Jones and seconded by Councillor K Parker

**MOTION**

**That the report of the Audit and Risk Management Committee meeting held on 15 June 2018, be adopted.**

**CARRIED**

**NOTICES OF MOTION:****CCL18/100 POLICY IMPLICATIONS RELATING TO AMENDMENT TO RURAL ZONES OF COUNCIL'S LOCAL ENVIRONMENT PLANS (ID18/1010)**

Council had before it a Notice of Motion dated 19 June 2018 from Councillor S Lawrence regarding the Policy Implications Relating to Amendment to Rural Zones of Council's Local Environment Plans

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

**MOTION**

- 1. That the Chief Executive Officer be requested to prepare a report to the October 2018 Ordinary meeting of Council on the policy issues relating to the possible amendment of Council's LEPs to allow more dwellings to be constructed on rural zoned lots.**
- 2. That the results of this report form the basis for a review of the Dubbo Rural Areas Development Strategy, 1995 and for the preparation of a Rural Land Use Strategy for rural land in the former Wellington Local Government Area, with this work required to be prepared in the 2018/2019 Financial Year as included in the draft 2040 Delivery Program and Operational Plan.**

**CARRIED**

**CCL18/101 DRAFT POLICY ADDRESSING APPLICATIONS AND INQUIRIES RELATING TO EVENTS INCLUDING PROTESTS, DEMONSTRATIONS AND SPECIAL EVENTS (ID18/1011)**

Council had before it a Notice of Motion dated 19 June 2018 from Councillor S Lawrence regarding the Draft Policy Addressing Applications and Inquiries Relating to Events Including Protests, Demonstrations and Special Events.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

**MOTION**

**That the Chief Executive Officer be requested to prepare a draft policy to the August 2018 Ordinary meeting of Council addressing how Council deals with and decides applications and inquiries in respect of events such as protests, demonstrations and special events including the relevant process, notice period and statutory requirements.**

**CARRIED**

**REPORTS FROM STAFF:**

**CCL18/102 NEW DUBBO INTEGRATED PLANNING AND REPORTING FRAMEWORK AND 2018/2019 COUNCIL BUDGET AND ASSOCIATED DOCUMENTS (ID18/986)**

The Council had before it the report dated 19 June 2018 from the Chief Executive Officer regarding New Dubbo Integrated Planning and Reporting Framework and 2018/2019 Council Budget and Associated Documents.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

**MOTION**

- 1. That the new Dubbo Regional Council Integrated Planning and Reporting Framework be adopted by Council.**
- 2. That the 2040 Community Strategic Plan (as amended and discussed in the body of this report) (Appendix 2) and 2040 Delivery Program and Operational Plan (as amended and discussed in the body of this report) (Appendix 3) be adopted by Council and commence operation on 1 July 2018.**
- 3. That the Resourcing Strategy (Appendix 8), including the Long-Term Financial Plan (Appendix 9), Workforce Management Plan (as amended and discussed in the body of this report) (Appendix 10) and Interim Asset Management Plan (Appendix 11) be adopted by Council.**
- 4. That the 2018/2019 Financial Year Fees and Charges (as amended and discussed in the body of this report) (Appendix 5) be adopted by Council.**
- 5. That the 2018/2019 budget (as amended and discussed in the body of this report) (Appendix 4) be adopted by Council.**
- 6. That the 2019/2020, 2020/2021 and 2021/2022 forward budgets be adopted by Council (Appendix 4).**
- 7. That the 2018/2019 draft Macquarie Regional Library Budget (Appendix 6) be adopted by Council.**

8. That Council Staff meet with Macquarie River Bushcare to further discuss the contents of submission 62 and the relationship of the various elements of Dubbo Integrated Planning and Reporting Framework.
9. That the components of the Dubbo Regional Council Integrated Planning and reporting Framework be provided to the NSW Office of Local Government for consideration and assessment.
10. That an advertisement be placed in local print media advising of Council's adoption of the Integrated Planning and Reporting Framework.
11. That those who made submissions be acknowledged and advised of Council's determination in this matter.

**CARRIED**

*Councillor J Ryan 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 Ryan's team member in the recent local government elections has made a submission to this item and that such interest would not impair his decision making on the matter.*

*Councillor A Jones 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 A Jones owns two blocks of land in Wellington, one commercial building and two investment residential properties and that such interest would not impair her decision making on the matter.*

*Councillor D Grant 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 D Grant's employer has business dealings with a number of people and groups who made submissions to this item and he is involved with a number of sporting clubs who will have changes to their fees and that such interest would not impair his decision making on the matter.*

*Councillor K Parker 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 K Parker is the Manager of the Bank of Queensland and Council has in the past and will in the future continue to plan for investments of which includes banks and that such interest would not impair his decision making on the matter.*

**CCL18/103 COUNCILLOR AND MAYORAL FEES (ID18/959)**

The Council had before it the report dated 7 June 2018 from the Chief Executive Officer regarding Councillor and Mayoral Fees.

Moved by Councillor K Parker and seconded by Councillor S Lawrence

**MOTION**

1. That pursuant to the provisions of Section 248(2) of the Local Government Act 1993, the annual fee payable to Councillors for the period commencing 1 July 2018 be \$19,790.
2. That pursuant to the provisions of Section 249(3) of the Local Government Act 1993, the annual fee payable to the Mayor for the period commencing 1 July 2018 be \$43,170.

**CARRIED**

**CCL18/104 LGNSW - ELECTION OF VICE PRESIDENT (RURAL/REGIONAL COUNCILS) (ID18/964)**

The Council had before it the report dated 7 June 2018 from the Chief Executive Officer regarding LGNSW - Election of Vice President (Rural/Regional Councils).

Moved by Councillor A Jones and seconded by Councillor D Grant

**MOTION**

**That Council determine the four Councillor voting delegates, in addition to the Mayor, to participate in the election of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of New South Wales.**

At this stage, nominations were invited for four (4) Councillors to be the voting delegates, in addition to the Mayor, to participate in the election of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of New South Wales. The following nominations were received:

Councillor G Mohr nominated by Councillor J Diffey and Councillor A Jones

Councillor V Etheridge nominated by Councillor J Diffey and Councillor A Jones

Councillor S Lawrence nominated by Councillor J Diffey and Councillor A Jones

Councillor J Ryan nominated by Councillor J Diffey and Councillor A Jones

Councillors G Mohr, V Etheridge, S Lawrence and J Ryan accepted their nomination.

**MOTION**

**That Councillors G Mohr, V Etheridge, S Lawrence and J Ryan be the nominated voting delegates, in addition to the Mayor, to participate in the election of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of New South Wales.**

**CARRIED**

*Councillor B Shields 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 B Shields is on the board of LG NSW and that such interest would not impair her decision making on the matter.*

**CCL18/105 QUARTERLY REPORT ON DOCUMENTS EXECUTED UNDER THE POWER OF ATTORNEY (ID18/987)**

The Council had before it the report dated 13 June 2018 from the Executive Manager Governance and Internal Control regarding Quarterly Report on Documents Executed Under the Power of Attorney.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

**MOTION**

**That the information contained within the report of the Executive Manager Governance and Internal Control dated 13 June 2018 be noted.**

**CARRIED****CCL18/106 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - MAY 2018 (ID18/967)**

The Council had before it the report dated 7 June 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - May 2018.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

**MOTION**

**That the information provided within the report of the Director Corporate Services, dated 7 June 2018 be noted.**

**CARRIED**

*Councillor K Parker 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 K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.*

**CCL18/107 THE MAKING OF THE RATES AND CHARGES FOR 2018/2019 (ID18/935)**

The Council had before it the report dated 12 June 2018 from the Revenue Accountant regarding The Making of the Rates and Charges for 2018/2019.

Moved by Councillor D Grant and seconded by Councillor S Lawrence

**MOTION****MOTION 1:**

That WHEREAS the 2018/2019 Draft Operational Plan was adopted by the Council on 7 May 2018, and WHEREAS public notice of the 2018/2019 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 twenty eight (28) days has lapsed since the commencement of advertising on 10 May 2018 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 2018/2019, and that such Rates and Annual Charges be the amount specified hereunder subject to the minimum and base amount per assessment specified in the Ordinary Rates table below:

Ordinary Rates (Section 494)	Ad Valorem (or Rate in \$) Amount	Minimum Amount	Base Amount
<b>Residential</b>			
<b>Residential - Ordinary</b> Applies to all residential properties within former Dubbo City Council outside the defined "Residential Urban Dubbo", "Village", "Firgrove" and "Richmond Estate" areas (as defined in Schedule A hereunder)	0.5697	\$506.20	N/A
<b>Residential – Dubbo Urban</b> Applies all residential properties within the defined "Urban" area (as defined in Schedule A hereunder)	0.8209	\$666.00	N/A
<b>Residential – Firgrove Estate</b> Applies to residential properties within the defined "Firgrove" development (as defined in Schedule A hereunder)	0.6649	\$651.00	N/A
<b>Residential - Richmond Estate</b> Applies to residential properties within the defined "Richmond Estate" development (as defined in Schedule A hereunder)	0.6649	\$651.00	N/A

<b>Residential - Village</b> Applies to all residential properties within the defined "Village" areas of Ballimore, Brocklehurst, Eumungerie and Wongarbon (as defined in Schedule A hereunder)	0.6279	\$524.90	N/A
<b>Residential - Ordinary Wellington</b> Applies to all residential properties in the former Wellington Council area outside the defined Wellington Urban area or Village of Geurie (as defined in Schedule A hereunder)	0.7945	N/A	\$321.00
<b>Residential - Wellington</b> Applies to all residential properties within the Defined Wellington Urban area (as defined in Schedule A hereunder)	1.2108	N/A	\$324.00
<b>Residential - Geurie</b> Applies to all residential properties within the Village of Geurie (as defined in Schedule A hereunder)	0.7966	N/A	\$217.00
<b>Business</b>			
<b>Business - Ordinary</b> Applies to all business properties within former Dubbo City Council area except those within the defined "CBD" "East Dubbo", "Cobra Street" and "Wellington Road" areas	1.1604	\$666.00	N/A
<b>Business - Central Business District</b> Applies to all business properties within the defined "CBD" area	3.2303	\$666.00	N/A
<b>Business - East Dubbo area</b> Applies to all business properties within the defined "East Dubbo" area	3.7513	\$666.00	N/A
<b>Business – Cobra Street</b> Applies to all business properties within the defined "Cobra Street" bulky goods precinct	3.7513	\$666.00	N/A

<b>Business - Wellington Road</b> Applies to all business properties within the defined "Wellington Road" area	3.7513	\$666.00	N/A
<b>Business – Ordinary Wellington</b> Applies to all business properties within the former Wellington Council outside town of Wellington	0.9797	N/A	\$347.00
<b>Business – Wellington</b> Applies to all business properties within the town of Wellington	2.3410	N/A	\$212.00
<b>Farmland</b>			
<b>Farmland - Ordinary</b> Applies to all land which has been declared "Farmland" within the former Dubbo City Council area	0.5396	\$354.00	N/A
<b>Farmland – Wellington</b> Applies to all land which has been declared "Farmland" within the former Wellington Council area	0.6818	N/A	\$194.00
<b>Mining</b>			
<b>Mining – Ordinary</b> Applies to all land which has been declared "Mining" within the former Dubbo City Council area	6.0	\$517.20	N/A
<b>Mining - Wellington</b> Applies to all land which has been declared "Mining" within the former Wellington Council area	23.6822	\$610.90	N/A

## Schedule A

### Ordinary Rates Land to which rate applies

#### a. Residential - Ordinary

All residential properties within the former Dubbo City Council area outside the defined "Residential Dubbo Urban", "Village", "Firgrove" and "Richmond Estate" areas.



**b. Residential - Dubbo Urban**

All residential properties declared "Residential Dubbo Urban" being in the area generally described as that part of the City of Dubbo which lies within an area bounded by Talbragar River, Old Gilgandra Road, Boothenba Road, Yarrandale Road, Cobbora Road, Bushland Drive, Buninyong Road, South Buninyong Road, Wellington Road, the western boundary of Lot 51 DP 612578, the eastern and southern boundary of Lot 2508 DP 1093568, eastern and southern boundary of Lot 2492 DP 623366, Sheraton Road, eastern and southern boundary of Lot 399 DP 1199356, Hennessy Drive inclusive of parcels south of Hennessy Drive described as Lots 7000, 7001 and 7002 DP 1139564, Old Dubbo Road, area on southern side of Macquarie Street zoned R2 to the Water Treatment Plant boundary, Macquarie River, southern boundary of Lot 16 DP 753233, Newell Highway, Blackbutt Road, Jaira Road, Minore Road, Western Railway Line, area zoned IN2 on the western side of railway line bounded by Lot 7 DP 223428 Lot 52 DP 1028071 Lot 2 DP 1183095, Narromine Road, Dubbo Aerodrome, Blizzardfield Road, Bunglegumbie Road, northern and eastern boundary Lot 7 DP 250606, eastern boundary Lot 6 DP 250606, northern boundary Lot 5 DP 250606, Macquarie River, southern boundary Lot 261 DP 575016, Brisbane Street North Dubbo and Newell Highway.

**c. Residential - Firgrove**

All residential properties within the "Firgrove" development.

**d. Residential - Richmond**

All residential properties within the "Richmond Estate" development.

**e. Residential – Village**

All residential properties within the villages of Ballimore, Eumungerie and Wongarbon zoned RU5 (Village) under the Dubbo Local Environmental Plan 2011 and all residential properties declared Residential Village being in the area generally described as that part of Brocklehurst which lies within an area bounded by Wambianna Street, western boundary of Lots 147 and 148 DP 754328, northern boundary of Lot 1 DP 1001551 and the Newell Highway.

**f. Residential - Ordinary Wellington**

All residential properties within the former Wellington Council area outside the defined Residential Wellington area or Village of Geurie.

**g. Residential - Wellington**

All residential properties declared "Residential Wellington" being in the area generally described as that part of the town of Wellington which lies within an area bounded by Mitchell Highway, Goolma Road, western boundary of Lot 2 DP 806578, Macquarie River, McLeod Street, Warne Street, Marsh Street, Maughan Street, McLeod Street, southern boundary of Lots 3 and 4 DP 711299, western boundary of Lot 147 DP 756920, Western boundary of Lot 337 DP 728783, Charles Street, Pierce Street, Samuel Street, the western boundary of lots 68 and 69 DP 756920, Pierce Street, northern boundary of Lot 7002 DP 1020770, Barton Street, Belle Street, Curtis Street, Zouch Street, boundary of Lots 7 and 10 DP 783257, Maxwell Street, Bell River, southern and eastern boundary of Lot 31 DP 1099008, southern, eastern and northern

boundary of Lot 289 DP 756920, Gobolion Street, Bell River, Macquarie River, Lay Street, Tollemache Street, eastern boundary of Lot 10 DP 1122385, southern and eastern boundary of Part Lot 2 DP 334986, Mitchell Highway.

**h. Residential - Geurie**

All residential properties declared "Residential Geurie" being in the area generally described as that the village of Geurie which lies within an area bounded Geurie Street, Greenbank Street, Lot 154 DP 754313, Fitzroy Street, Comobella Road, western boundary of Lots 195 and 196 DP 184019, Morley Street, Whitely Street, Cass Street, Old Dubbo Road and Mitchell Highway.

**i. Business - Ordinary**

All "business" properties within the former Dubbo City Council area except those within the defined "Central Business District", "East Dubbo", "Cobra Street" and "Wellington Road" areas.

**j. Business - Central Business District**

All "business" properties within the area described as that part of the City of Dubbo which lies within the area bounded by Erskine Street, Darling Street, Cobra Street and the Macquarie River.

**k. Business - East Dubbo Area**

All "business" properties within the area bounded by Wheelers Lane, Birch Avenue, Windsor Parade and the Mitchell Highway.

**l. Business - Cobra Street Area**

All "business" properties zoned Business Development B5 fronting Cobra Street within the area bounded by the Molong Railway line to the west and the eastern boundary of Lot 121 DP1074142 and the eastern boundaries of Lot 21 DP 238576 and Lot 304 DP 754308 fronting Hawthorn Street.

**m. Business - Wellington Road Area**

All "business" properties zoned Business Development B5 in the area fronting Wellington Road known as "Blue Ridge Estate" within the area bounded by Sheraton Road to the west, Wellington Road (Mitchell Highway) to the north, the eastern boundary of Lot 4 DP 1144575 and Capital Drive to the east and Blueridge Drive and the Northern Boundary of Lot 2506 DP 1082413 as the southern boundary. Those properties to the south of Blueridge Drive will be re-categorised as Business Ordinary.

**n. Business – Ordinary Wellington**

All "business" properties within the former Wellington Council area outside the township of Wellington (as defined in the Residential Wellington sub-category).

**o. Business - Wellington**

All "business" properties within the township of Wellington (as defined in the Residential Wellington sub-category).

- p. **Farmland - Ordinary**  
All land which has been declared "farmland" within the former Dubbo City Council area.
- q. **Farmland - Wellington**  
All land which has been declared "farmland" within the former Wellington Council area.
- r. **Mining - Ordinary**  
All land declared "mining" within the former Dubbo City Council area.
- s. **Mining - Wellington**  
All land which has been declared "mining" within the former Wellington Council area.

#### **ANNUAL CHARGES STATEMENT (Section 405(2))**

#### **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE (SECTION 496)**

##### **Domestic Waste Management Service Charge – 3 Bin Service**

A Domestic Waste Management Service is to be available to all residential properties in the urban areas of Brocklehurst, Dubbo, Geurie, Wellington and Wongarbon which have been defined on a map marked for this purpose. The annual charge for 2018/2019 is \$378.00. This charge provides for a once weekly kerbside collection service of one weekly 240 litre food and garden waste bin service, a once weekly kerbside collection of 140 litre garbage bin and a fortnightly kerbside collection for one 240 litre bin of mixed recycling.

Under section 496(2) of the Local Government Act 1993 Council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if the service is available for that land and the owner of that land requests or agrees to the provision of the service to that land.

Council will grant a voluntary pension rebate of \$50.00 on the Domestic Waste Management Service Charge – 3 Bin Service in 2018/2019. To be eligible to receive the voluntary rebate the property owner must be eligible to receive a Pensioner Concession on their Ordinary Rates and Annual Charges under section 575 of the Local Government Act 1993. The voluntary Pension Rebate – Domestic Waste will be granted or abandoned on a quarterly basis as per the eligibility criteria for a Pension Concession granted under section 575.

##### **Domestic Waste Management Service Charge – 2 Bin Service**

A Domestic Waste Management Service is to be available to all residential properties located in the urban fringe and outer areas of Brocklehurst, Dubbo, Geurie, Wellington and Wongarbon, the villages of Ballimore, Bodangora, Dripstone, Eumungerie, Mogriguy, Mumbil, Nanima, North Yeoval and Stuart Town, and the areas of Cadonia Estate, Firgrove Estate, Richmond Estate, Ponto Falls and Wellington Caves; which have been defined on a map marked for this purpose.

The annual charge for 2018/2019 is \$308.00. This charge provides for a once weekly kerbside collection service of one weekly kerbside collection of 240 litre Garbage bin and a fortnightly kerbside collection for one 240 litre bin of mixed recycling.

The Domestic Waste Management Service Charge – 2 Bin Service will apply to multiple unit dwellings on single title lots such as retirement villages, gated communities and apartment blocks and to Strata title units with greater than 2 lots in the registered Strata Plan.

Multiple unit dwellings situated on a single title property will be levied a Domestic Waste Management Service Charge – 2 Bin Service for each unit for dwellings comprising up to and including eight (8) units. Multiple unit dwellings comprising more than eight (8) units will be levied (8) times the Domestic Waste Management Service Charge – 2 Bin Service (\$2,464.00) plus one (1) Domestic Waste Management Service Charge – 2 Bin Service for every two (2) unit dwellings in excess of eight (8) (rounded up to the next whole number in the case of an odd number of units).

#### Capacity Upgrade – 3 Bin Service

In exceptional circumstances, and as approved by the Manager Solid Waste, approval may be granted for a weekly 240 litre Garbage Bin rather than the standard weekly 140 litre bin. The additional charge for this extra capacity will be \$80.00 in 2018/2019. This is an annual charge and will not be levied on a pro-rata basis.

#### Domestic Waste Management Charge - Vacant

A Domestic Waste Charge – vacant land of \$95.00 is applicable to all vacant parcels of land categorised as Residential for rating purposes within the defined three (3) bin or two (2) bin kerbside collection areas.

### ANNUAL CHARGES (SECTION 501)

#### Waste Management Service Charge

A kerbside garbage collection service is available to all non-residential properties in the designated kerbside collection area. The annual charge will only be applied to those properties for which the service is provided.

The annual charge for 2018/2019 is \$320.00 which is applicable to all non residential properties to which the kerbside garbage collection service is provided. The Waste Management Service Charge provides for a once weekly kerbside collection service of one 240 litre bin and a fortnightly kerbside collection and processing service for one 240 litre bin of mixed recycling.

#### Non-Domestic Waste Collection Service Charge

Additional Non Domestic Waste collections will be provided to all non-residential properties in the designated kerbside collection area that require the service. The annual

charge provides for an additional weekly kerbside garbage collection service of one 240 litre bin. The additional service is only applicable to properties charged a minimum of one Waste Management Service Charge incorporating the weekly garbage collection and a fortnightly Recycling service.

The annual charge for 2018/2019 is \$200.00 per bin.

#### **Non-Domestic Recycling Service Charge**

Additional Fortnightly Non-Domestic Recycling collections will be provided to all non-residential properties in the designated kerbside collection area that require the service. The annual charge provides for an additional fortnightly kerbside collection of the 240 litre bin of mixed recycling. The additional service is only applicable to properties charged a minimum of one Waste Management Service charge incorporating the weekly collection of Non Domestic Waste and a fortnightly Recycling Service.

The annual charge for 2018/2019 is \$120.00 per bin.

#### **Non-Domestic Green Waste Collection Service Charge**

Food and Garden Waste collections will be available to all non-residential properties in the designated 3-bin kerbside collection area that require the service. The annual charge provides for a weekly kerbside garbage collection service of one 240 litre Food and Garden Waste bin. The additional service is only applicable to properties charged a minimum of one Waste Management Service Charge incorporating the weekly garbage collection and a fortnightly Recycling service.

The annual charge for 2018/2019 is \$120.00 per bin.

#### **Waste Management Service (Rural) Charge**

A waste management service (Rural) charge is applicable to all rural parcels of rateable land with households located thereon located outside the defined waste collection zones and covers the disposing of small domestic quantities (equivalent to wheelie bin capacity). The annual charge finances the operation of rural household waste transfer stations and the cost of disposing of small quantities of rural household waste at the Whylandra Waste Depot and Wellington Depot.

The annual charge for 2018/2019 is \$135.00 (including GST) and the charge is based on the revenue required to cover the "reasonable cost" of providing this service for 2018/2019.

#### **Drainage Service Charge - Dubbo**

An annual Drainage Service Charge will apply to all parcels of rateable land in the defined "Urban" area. The defined "Urban" area is the same area to which the Residential Dubbo Urban Ordinary Rate is applied. The amount of the Annual Charge for 2018/2019 will be \$93.73 and is an increase of 2.3% over the Annual Charge for 2017/2018.

### Stormwater Management Service Charge – Wellington

An annual Stormwater Management Service Charge will apply to all parcels of land within the defined Wellington “Urban” area. The amount of the Annual Charge for 2018/2019 will be \$15.57 and is an increase of 2.3% over the Annual Charge for 2017/2018.

### Water Supply Service Access Charge

The Pricing Policy for 2018/2019 will comprise:

1. An access charge (annual charge under Section 501)
2. A usage charge (charge for the actual use of the service under Section 502).

Council will be maintaining separate charging structures for the former Dubbo City Council and Wellington Council.

An annual Water Supply Service Access Charge will apply to all parcels of land where a water supply is available. The amount of the access charge applicable to each property will be in accordance with the size of the water service provided to that property. The access charge for each size of water service for 2018/2019 is as follows:

#### Former Dubbo City Council

Meter Size	Annual Charge
20mm	\$265.17
25mm	\$413.66
30/32mm	\$678.81
40mm	\$1,060.65
50mm	\$1,657.27
65mm	\$2,800.12
80mm	\$4,242.61
100mm	\$6,629.08
150mm	\$14,923.37

A minimum charge being the amount equivalent to a 20mm water service charge will apply to each rateable parcel of land which has been created under a Strata Title subdivision, Community or Neighbourhood Plan.

A minimum charge being the amount equivalent to a 20mm water service charge will apply to each parcel of rateable land which does not have a water service connected but to which a water service is available in accordance with the provision of Section 552 (1) (b) of the Local Government Act 1993.

#### Former Wellington Council

Tariff Description	Annual Availability Charge
Domestic	\$406.97
Commercial 20MM	\$492.96

Commercial 25MM	\$762.70
Commercial 31MM	\$1,177.89
Commercial 32MM	\$1,255.53
Commercial 38MM	\$1,779.20
Commercial 40MM	\$1,961.31
Commercial 50MM	\$3,061.24
Commercial 80MM	\$7,844.86
Commercial 100MM	\$12,260.13
Commercial 150MM	\$27,576.14
UnConnected Services	\$406.97
Connected Service No Meter	\$492.96
Dedicated Fire Service	\$492.96
Commercial (Non Profit) Commercial 50MM	\$762.70
Churches	
Connected Wellington – Non Residential	\$394.34
Connected Wellington Domestic	\$325.58

A minimum charge being the amount equivalent to a 20mm water service charge will apply to each rateable parcel of land which has been created under a Strata Title subdivision, Community or Neighbourhood Plan.

A minimum charge being the amount equivalent to a 20mm water service charge will apply to each parcel of rateable land which does not have a water service connected but to which a water service is available in accordance with the provision of Section 552 (1) (b) of the Local Government Act 1993.

#### Sewerage Service Charge – Residential

##### Dubbo Residential Sewer Charge

An annual Sewerage Service Charge will apply to all residential properties within the former Dubbo City Council area.

The annual Sewerage Service charge to apply to all single dwellings, and each rateable parcel of land which has been created under a Strata Title subdivision, Community or Neighbourhood Plan and vacant land where a sewerage service is available will be \$755.07 for 2018/2019.

The annual sewerage service charge to apply to all residential multiple residence properties where individual separate occupancies are situated on a single parcel of land (includes non strata flats, units, villas and dwellings within retirement villages) will be the number of occupancies x the residential single dwelling annual charge x .5.

##### Wellington Residential Sewer Charge

An annual Sewerage Service Charge will apply to all residential properties within Wellington.

The annual sewerage service charge to apply to all single dwellings, and each rateable parcel of land which has been created under a Strata Title subdivision, Community or Neighbourhood Plan where a sewerage service is available will be \$661.61 for 2018/2019.

#### **Wellington Sewer Charge - Unoccupied**

The annual sewerage service charge to apply to all vacant parcels of land within the township of Wellington where a sewerage service is available will be \$585.55 for 2018/2019.

#### **Mumbil Sewer Charge**

The annual sewerage service charge for 2018/2019 to apply to all Residential properties within Mumbil where a sewerage service is available will be \$619.93.

#### **Mumbil Sewer Charge – Unoccupied**

The annual sewerage service charge for 2018/2019 to apply to all each unoccupied rateable parcel of land within Mumbil where a sewerage service is available will be \$585.55.

#### **Geurie Sewer Charge**

The annual sewerage service charge for 2018/2019 to apply to all Residential properties within Geurie where a sewerage service is available will be \$661.61.

#### **Geurie Sewer Charge – Unoccupied**

The annual sewerage service charge for 2018/2019 to apply to each unoccupied rateable parcel of land within Geurie where a sewerage service is available will be \$585.55.

#### **Religious Property Sewer Charge - Wellington**

The annual sewerage service charge for 2018/2019 to apply to all religious properties where a sewerage service is available will be \$530.30.

#### **MOTION 2:**

That WHEREAS the 2018/2019 Draft Operational Plan was adopted by the Council on 7 May 2018, and WHEREAS public notice of the 2018/2019 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 twenty eight (28) days has lapsed since the commencement of advertising on 10 May 2018 and Council has taken into consideration submissions made concerning the Draft Operational Plan and Budget, IT IS HEREBY RESOLVED that Council make the following User Charges for the year 2018/2019.

#### **USER PAY CHARGES (SECTION 502)**



### Water Supply Service Usage Charge

A charge will be raised for the use of the Water Supply Service on a consumption year basis recorded by the meter or meters servicing each property.

The Usage Charge applicable to properties in the former Dubbo City Council for 2018/2019 will apply as follows:

#### Residential Properties

All Consumption - per kilolitre **\$2.02**

#### Non Residential Properties

All Consumption - per kilolitre **\$2.02**

The Usage Charges applicable to properties in the former Wellington Council for 2018/2019 will apply as follows:

Tariff Description	Consumption Charge	Consumption Charge	Consumption Charge	Consumption Charge
From KL	0	301	501	10,001
To KL	300	500	10,000	-
Domestic	2.18	2.22	2.40	2.57
Commercial	1.51	1.63	1.98	2.47
Connected Service No Meter	20KL Per Quarter			
Dedicated Fire Service	1.51	1.63	1.98	2.47

### Sewerage Service Charges - Non Residential

#### Sewerage Service Charge Non Residential - Dubbo

The use of the Sewerage Service by all non-residential properties within the former Dubbo City Council area will be charged on a quarterly basis in accordance with the following pricing structure for 2018/2019:

$$\begin{aligned}
 B &= SDF \times (AC + C \times UC) \\
 B &= \text{Quarterly Sewerage Charge - Non Residential} \\
 SDF &= \text{Sewerage Discharge Factor} \\
 AC &= \frac{(AC_{20} \times D^2)}{400}
 \end{aligned}$$

This equates to the following Access Charge (AC) for the various water connection sizes:

	Quarterly Amount	Annual Equivalent
20mm	\$99.05	\$396.18
25mm	\$154.76	\$619.03
32mm	\$253.56	\$1,014.22
40mm	\$396.18	\$1,584.72

50mm	\$619.03	\$2,476.13
65mm	\$1,046.16	\$4,184.65
80mm	\$1,584.72	\$6,338.88
100mm	\$2,476.13	\$9,904.50
150mm	\$5,571.28	\$22,285.13

The Access Charge (AC) is applicable to each water service connected to a property in accordance with the size of the meter fitted to the service.

D	=	Water Supply Service Connection Size	
C	=	Annual Water Consumption	
UC	=	Usage Charge	\$2.16/Kl
		Minimum Quarterly Sewerage Charge - Non Residential	\$188.20

#### Sewerage Services Charge Non Residential - Wellington

The use of the Sewerage Service by all non-residential properties within the former Wellington Council area will be charged on a quarterly basis in accordance with the following pricing structure for 2018/2019:

B	=	$SDF \times (AC + C \times UC)$
B	=	Quarterly Sewerage Charge - Non Residential
SDF	=	Sewerage Discharge Factor
AC	=	$(AC_{20} \times \frac{D^2}{400})$

This equates to the following Access Charge (AC) for the various water connection sizes:

Meter Size	Quarterly Amount	Annual Equivalent
20mm	\$90.59	\$362.35
25mm	\$141.54	\$566.17
31mm	\$217.64	\$870.55
32mm	\$231.90	\$927.62
38mm	\$327.02	\$1,308.08
40mm	\$362.35	\$1,449.40
50mm	\$566.17	\$2,264.69
80mm	\$1,449.40	\$5,797.60
100mm	\$2,264.69	\$9,058.75
150mm	\$5,095.55	\$20,382.19
Unconnected Service	\$140.46	\$561.83
Connected Service No Meter	\$159.44	\$637.77
Commercial (Non-Profit) – 50mm	\$141.54	\$566.17
Churches		
Connected - Villages		\$454.49
Connected -		\$454.49

Wellington

The Access Charge (AC) is applicable to each water service connected to a property in accordance with the size of the meter fitted to the service.

D	=	Water Supply Service Connection Size	
C	=	Annual Water Consumption	
UC	=	Usage Charge	\$0.93/Kl
		Minimum Quarterly Sewerage Charge - Non Residential	\$166.70

**MOTION 3:**

That WHEREAS the 2018/2019 Draft Operational Plan was adopted by the Council on 7 May 2018, and WHEREAS Council has complied with the provisions of Section 610F of the Local Government Act, 1993 and given public notice (in accordance with Section 405) of its 2018/2019 draft Operational Plan and has considered submissions duly made to it concerning the draft Operational Plan and Budget, IT IS HEREBY RESOLVED that the fees, contributions and user charges detailed in the Statement of Revenue Policy Document of the 2018/2019 Draft Operational Plan and Budget be applied for the year 2018/2019.

**CARRIED****CCL18/108 DEVELOPMENT OF NEIGHBOURHOOD SHOPPING CENTRE REVITALISATION CONCEPTS (ID18/887)**

The Council had before it the report dated 28 May 2018 from the Manager Transport and Emergency regarding Development of Neighbourhood Shopping Centre Revitalisation Concepts.

Moved by Councillor V Etheridge and seconded by Councillor J Ryan

**MOTION**

That the information regarding the progress of developing Neighbourhood Shopping Centre Revitalisation Concepts for Boundary Road, Tamworth Street and Victoria Street be noted.

**CARRIED**

**CCL18/109 PROPOSED CONCEPT PEDESTRIAN FACILITIES - WINDSOR PARADE DUBBO (ID18/961)**

The Council had before it the report dated 7 June 2018 from the Senior Traffic Engineer regarding Proposed Concept Pedestrian Facilities - Windsor Parade Dubbo.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

**MOTION**

**That Council support the installation of traffic signals on Windsor Parade as the desired pedestrian crossing protection, with Option 2 "Signalised Intersection" the preferred option and should option 2 not proceed, Option 1 "Pedestrian Traffic Signals" be the preferred alternative of the options, attached as Appendix 1 to the report.**

**CARRIED**

**CCL18/110 2018 DUBBO STAMPEDE RUNNING FESTIVAL - TEMPORARY ROAD CLOSURE (ID18/984)**

The Council had before it the report dated 13 June 2018 from the Senior Traffic Engineer regarding 2018 Dubbo Stampede Running Festival - Temporary Road Closure.

Moved by Councillor D Grant and seconded by Councillor J Diffey

**MOTION**

- 1. That the application of the Dubbo Running Festival Committee Incorporated be approved for the undertaking of the Dubbo Stampede Running Event on Sunday 26 August 2018, between 6.15 am and 1.00 pm, on condition of the NSW Police Service, Roads and Maritime Services and subject to the following conditions of Dubbo Regional Council:**
  - a. A temporary road closure will be implemented between 6.15 am and 10.15 am in Obley Road commencing on the southern side of Taronga Western Plains Zoo access south to the intersection of Camp Road including the implementation of a Traffic Control Plan and detour via the Newell Highway and Camp Road Intersection. 'Zoo local traffic' access only will be available at the intersection of the Newell Highway and Obley Road.**
  - b. That temporary road closures be implemented between 6.15 am and 12.00 pm in Tamworth Street, west from the intersection of South Street, to its conclusion.**
  - c. The submissions of a Traffic Management and Traffic Control Plan to Council for approval in accordance with Australian Standard 1742.3 and the Roads and Maritime Services Guide to Traffic Control at Worksites, prepared by an accredited person. Council's Traffic Control Plan TM 7052 is to be implemented for the event.**
  - d. The concurrence of Transport NSW, Special Events and Operational Planning - Transport Management Centre for the implementation of event and detour of Obley Road signage on the Newell Highway.**
  - e. Traffic controllers and trained course marshals are to be provided at all road**

- closure points and other locations as identified in the Event Management Plan with restricted access only to emergency and authorised vehicles. All traffic controllers are to be specifically authorised for the event with current Roads and Maritime Services certification.
- f. Council's Executive Manager Governance and Internal Control must sight a copy of the current Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, Roads and Maritime Services and NSW Police Force are specifically noted to be indemnified against any action resulting from the event.
  - g. The applicant is responsible for the provision of all traffic control required for the event in accordance with the Traffic Control Plan.
  - h. The applicant is responsible for all costs associated with the placement of a public notification and advice to the residents within the closed and affected roads prior to the event advising of the 2018 Dubbo Stampede Running Festival.
  - i. All traffic advisory signs shall be placed in accordance with the approved Traffic Control Plan and the Traffic and Event Management Plan.
  - j. The NSW Police Service consent and conditions for the running of the event as considered necessary.
  - k. The applicant is to provide Council with a signed and dated copy of the Traffic and Event Management Plan.
  - l. The applicant is to submit to Council all the appropriate documentation required accepting the above terms and conditions before final approval will be granted.
  - m. All costs associated with implementing these event conditions are to be met by the Event Organiser.
  - n. That in the event of the Tamworth Street footbridge being closed to flooding the 'Contingency Plan' as detailed in the Event and Traffic Management Plan shall be invoked requiring the closure of Tamworth and South streets, and the use of Huckel Street in accordance with Appendix 7, 8 and 9 of the Traffic Management Plan and the Traffic Control Plan TM 7052, Sheet 3.
  - o. That at the narrowest point of the running course, being a culvert along the section of Macquarie Street from Margaret Crescent intersection to Huckel Street intersection that a marshal is placed at this point to assist directing runners away from the roadside and that barrier boards or equivalent be at this squeeze point only.

**CARRIED**

**CCL18/111 2018 DREAM FESTIVAL LANTERN PARADE (ID18/985)**

The Council had before it the report dated 13 June 2018 from the Senior Traffic Engineer regarding 2018 Dream Festival Lantern Parade.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

**MOTION**

**That Council approval be granted for a temporary road closure of Talbragar Street, between Bligh Street and Memorial Drive Dubbo on 27 October 2018 for the Lantern Parade between 8.00 pm to 8.45 pm, subject to the following:**

- 1. The Parade will commence at approximately 8.00 pm from 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 Service 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 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 vehicle has passed Macquarie Street**
  - Open Macquarie Street when vehicle has passed Brisbane Street**
  - Open Brisbane Street when vehicle has passed Darling Street**
  - Open Darling Street when 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, and the RMS guide to Traffic Control at Worksites prepared by an accredited person.**
- 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 RMS certification.**
- 6. Council's Executive Manager Governance and Internal Control must sight a copy the current Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and the NSW Police Force is specifically noted to be indemnified against any action resulting from the event.**
- 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 shall 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 submit to Council all the appropriate documentation required, accepting the above terms and conditions before final approval will be granted.**
- 11. All costs associated with implementing these event conditions are to be met by the event organiser.**

**CARRIED**

**CCL18/112 PLANNING AGREEMENT - SHERATON ROAD QUARRY - RESULTS OF PUBLIC EXHIBITION (ID18/889)**

The Council had before it the report dated 8 June 2018 from the Manager Strategic Planning Services regarding Planning Agreement - Sheraton Road Quarry - Results of Public Exhibition.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

**MOTION**

1. That Council enter into the Planning Agreement with Regional Hardrock Pty Ltd, as provided here in Appendix 1.
2. That the Chief Executive Officer be authorised to complete any documentation under his Power of Attorney.

**CARRIED**

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

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

**CCL18/113 COMMENTS AND MATTERS OF URGENCY (ID18/980)**

There were no matters recorded under this clause.

**CCL18/113a MATTER OF GREAT URGENCY - FREE WATER ACCESS FOR DROUGHT AFFECTED PROPERTIES**

In accordance with clause 8.7 of Council's Meeting Procedures, a motion was moved by Councillor A Jones and seconded by Councillor D Grant that due to the drought Council make available access to free water from the standpipe for drought affected properties.

In accordance with clause 8.7 of Council's Meeting Procedures, the chairperson, Councillor B Shields, ruled that the proposed business was of great urgency.

Moved by Councillor A Jones and seconded by Councillor D Grant

**MOTION**

**That a report is to be provided to the Chief Executive Officer which will make provisions for drought affected properties access to free water from Council's water filling stations, with terms and conditions outlined and to commence from 1 July 2018 until the end of the drought is declared.**

**CARRIED**

At this junction it was moved by Councillor A Jones and seconded by Councillor G Mohr that the Council resolves into the Committee of the Whole Council, the time being 7.29pm.

the meeting resumed at 7.35pm.

**CCL18/114 COMMITTEE OF THE WHOLE (ID18/1017)**

The Director Corporate Services read to the meeting of the Report of Committee of the Whole held on 25 June 2018.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

**MOTION**

**That the report of the meeting of the Committee of the Whole held on 25 June 2018 be adopted.**

**CARRIED**

*Councillor D Grant declared a pecuniary, significant interest in CW18/4 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 D Grant's employer has had business dealings with the company purchasing 3 McGuinn Crescent.*

The meeting closed at 7.37pm.

.....  
CHAIRMAN





# REPORT

## COMMITTEE OF THE WHOLE COUNCIL

### 25 JUNE 2018

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

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Team Leader Governance, the Director Corporate Services (J Bassingthwaighte), the Director Economic Development and Business, the Stakeholder Engagement Coordinator, the Communications Coordinator, the Dubbo Airport Operations Manager, the Director Infrastructure and Operations, the Manager Transport and Emergency, the Director Planning and Environment (S Jennings), the Manager Building and Development Services (D Quigley), the Senior Strategic Planner, the Director Community and Recreation, the Manager Social Services and the Youth Development Officer.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 7.30pm.

**CW18/4 SALE OF COUNCIL OWNED LOT 26 DP 1131385, 3 MCGUINN CRESCENT, MOFFATT ESTATE (ID18/888)**

The Committee had before it the report dated 29 May 2018 from the Property Development Officer regarding Sale of Council owned Lot 26 DP 1131385, 3 McGuinn Crescent, Moffatt Estate.

Moved by Councillor A Jones and seconded by Councillor J Diffey

**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 G Mohr and seconded by Councillor J Diffey

#### **MOTION**

**The Committee recommends:**

- 1. That Council sell Lot 26 DP 1131385 McGuinn Crescent, having an area of 3,890m<sup>2</sup>, to Wheel-conn CRETE for \$182,830 ex. GST.**
- 2. That all necessary documentation relating to the matter be executed under the Chief Executive Officer's power of attorney.**
- 3. That the documents and considerations in regard to this matter remain confidential to Council.**

**CARRIED**

*Councillor D Grant declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor D Grant's employer has had business dealings with the company purchasing 3 McGuinn Crescent.*

#### **CW18/5 AIRPORT DEVELOPMENT (ID18/893)**

The Committee had before it the report dated 7 June 2018 from the Manager Airport Operations regarding Airport Development.

Moved by Councillor A Jones and seconded by Councillor J Diffey

#### **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 G Mohr and seconded by Councillor D Gumley

#### **MOTION**

**The Committee recommends:**

- 1. That the Chief Executive Officer be authorised to offer to purchase 11R Cooreena Road, Lot 141, DP 1218690 for the amount detailed within this report.**
- 2. That as part of the sale ensure the restriction on the land for stormwater management only be extinguished.**
- 3. That each party is to pay their own disbursement costs in relation to the sale of this land.**
- 4. That the documents and considerations in regard to this matter remain confidential to Council.**

**CARRIED**

The meeting closed at 7.33pm.

.....

CHAIRMAN



DUBBO REGIONAL  
COUNCIL

## REPORT: Investments Under Section 625 of the Local Government Act - June 2018

**AUTHOR:** Director Corporate Services  
**REPORT DATE:** 6 July 2018  
**TRIM REFERENCE:** ID18/1122

### EXECUTIVE SUMMARY

As required by Clause 212 of the Local Government (General) Regulation 2005, set out below are the details of all monies that Council has invested under Section 625 of the Local Government Act as at 30 June 2018.

Investments when placed have been done so in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy. Interest on investments for the month of June 2018 has been accounted for on an accrual basis. This report details investments and annualised returns for the month of June 2018.

### ORGANISATIONAL VALUES

Customer Focused: The investment of Council funds is undertaken in accordance with Council's adopted Investment Policy and Strategy which seeks to maximise returns for the community based on a conservative approach to investing.

Integrity: All Council investments are placed and managed in accordance with the adopted Investment Policy and Strategy.

One Team: Council's investments are managed under one portfolio.

### FINANCIAL IMPLICATIONS

Interest earned on investments has been included within Council's 2017/2018 Operational Plan, with total income generated from the Investment Portfolio forecast to be in excess of \$5,200,000.

### POLICY IMPLICATIONS

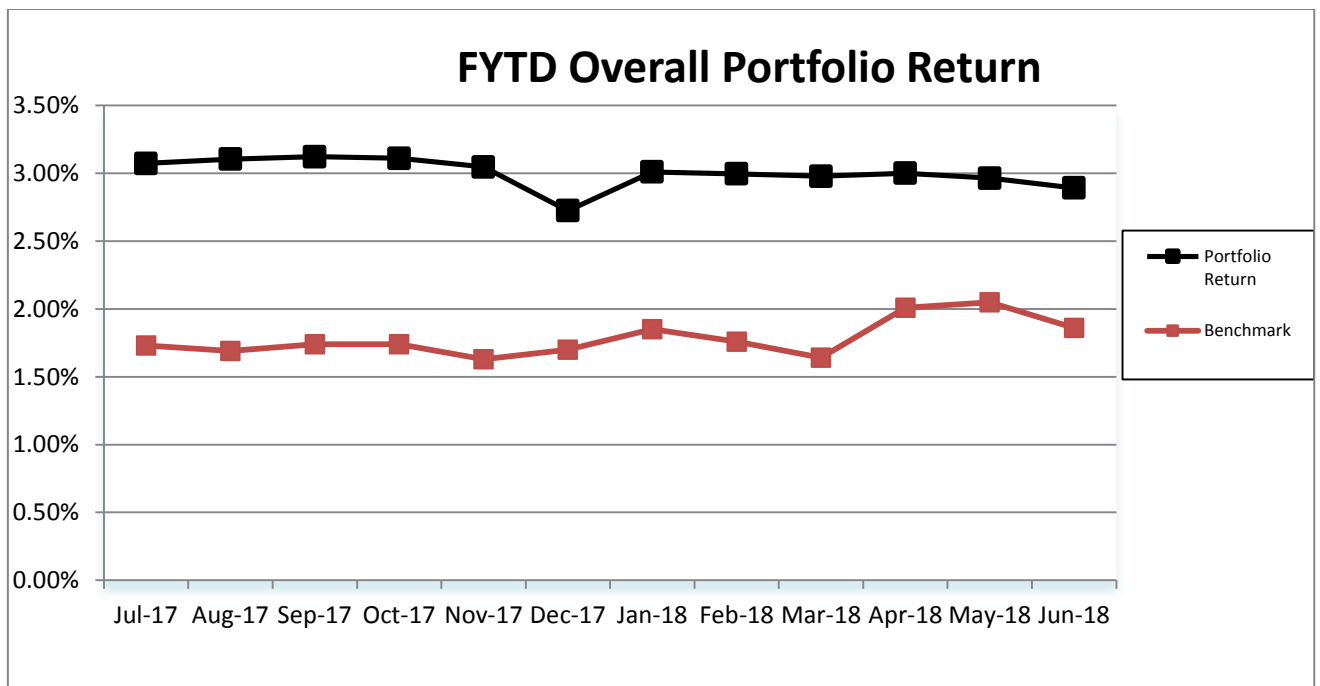
There are no policy implications arising from this report.

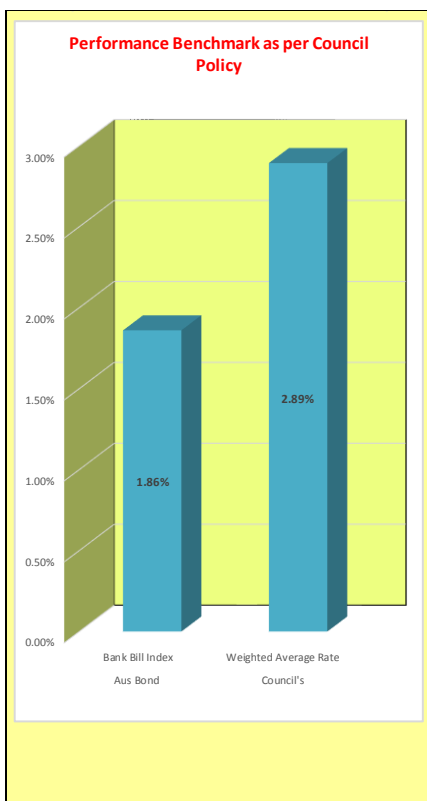
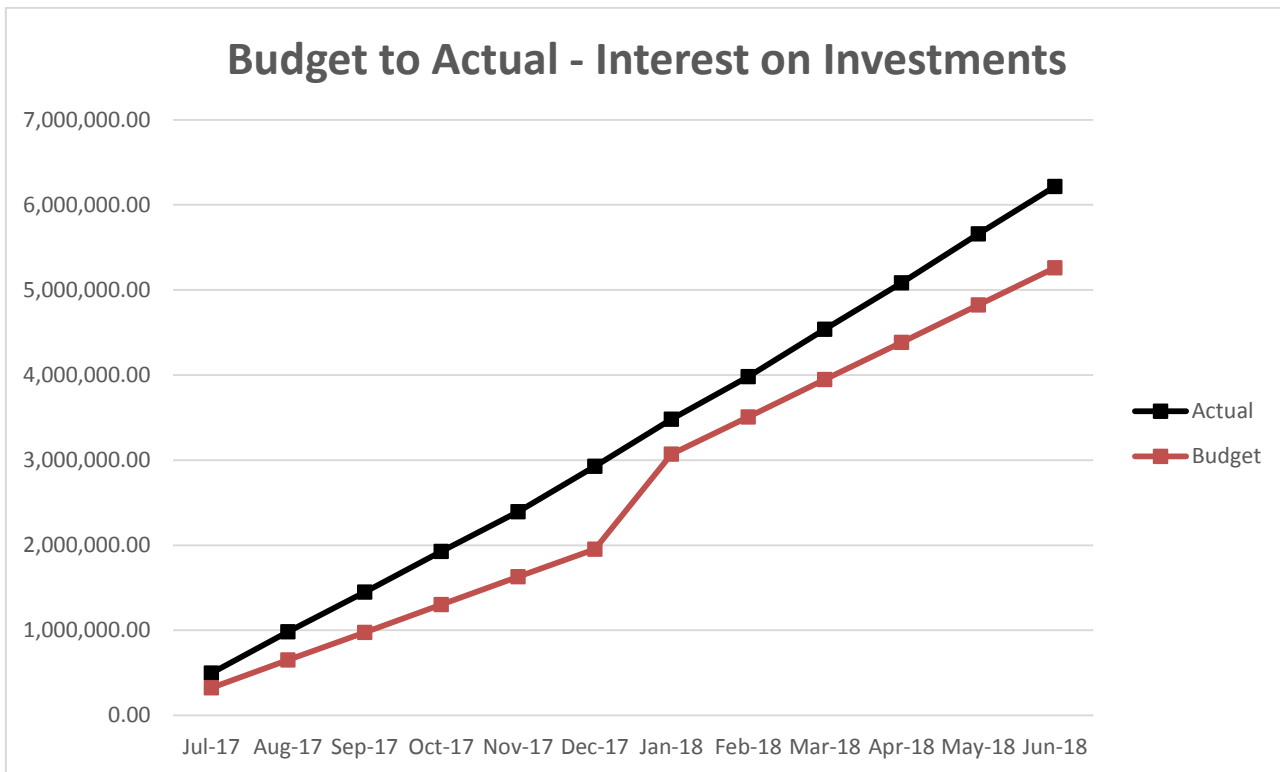
### RECOMMENDATION

**That the information provided within the report of the Director Corporate Services, dated 6 July 2018 be noted.**

*Craig Giffin*  
Director Corporate Services

JUNE 2018 REPORT					
	Notes	2018 Total	2018 Current	2018 Non-Current	2018 Total
		As at 31/05/2018	Maturity By 30/06/2019	Maturity After 30/06/2019	As at 30/06/2018
<b>Cash &amp; Cash Equivalents (Note 6a)</b>					
Cash on Hand and at Bank		\$28,200.00	\$28,200.00	\$0.00	\$28,200.00
Cash-Equivalent Assets (1)					
- Deposits At Call		\$24,207,348.30	\$36,538,762.70	\$0.00	\$36,538,762.70
<b>Total Cash &amp; Cash Equivalents</b>	6(a)	<b>\$24,235,548.30</b>	<b>\$36,566,962.70</b>	<b>\$0.00</b>	<b>\$36,566,962.70</b>
<b>Investments (Note 6b)</b>					
- Long Term Deposits > 3 Months		\$186,618,941.31	\$85,818,416.74	\$94,662,500.00	\$180,480,916.74
- NCD's and FRN's > 3 Months		\$18,251,094.26	\$3,250,000.00	\$14,001,056.65	\$17,251,056.65
- CDO's		\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Investments</b>	6(b)	<b>\$204,870,035.57</b>	<b>\$89,068,416.74</b>	<b>\$108,663,556.65</b>	<b>\$197,731,973.39</b>
<b>TOTAL CASH ASSETS, CASH EQUIVALENTS &amp; INVESTMENTS</b>					
		<b>\$229,105,583.87</b>	<b>\$125,635,379.44</b>	<b>\$108,663,556.65</b>	<b>\$234,298,936.09</b>
(1) Those Investments where time to maturity (from date of purchase) is < 3 months					





### Investment % Held as per Council Policy

Institution	\$ Invested	% Invested	% Allowable	\$ Allowable
<b>Cash on Hand and at Bank</b>				
CASH ON HAND AND AT BANK	28,200.00	0.01%		
<b>Direct Investments</b>				
AMP BANK	5,750,000.00	2.45%	20%	46,859,787
BANK OF QUEENSLAND	28,480,916.74	12.16%	10%	23,429,894
BENDIGO ADELAIDE BANK LIMITED	4,500,000.00	1.92%	10%	23,429,894
COMMONWEALTH BANK	13,000,000.00	5.55%	30%	70,289,681
MACQUARIE CREDIT UNION	1,000,000.00	0.43%	1%	2,342,989
NATIONAL AUSTRALIA BANK	55,038,762.70	23.49%	30%	70,289,681
ST GEORGE BANK	53,500,000.00	22.83%	30%	70,289,681
SUNCORP METWAY	5,001,056.65	2.13%	20%	46,859,787
WESTPAC BANK	65,000,000.00	27.74%	30%	70,289,681
<b>TOTAL DIRECT INVESTMENTS</b>	<b>231,270,736.09</b>	<b>98.71%</b>		
<b>Grandfathered Investments</b>				
NEWCASTLE PERMANENT BUILDING SOCIETY	3,000,000.00	1.28%		BBB
<b>TOTAL GRANDFATHERED INVESTMENTS</b>	<b>3,000,000.00</b>	<b>1.28%</b>		
<b>TOTAL CASH ASSETS, CASH EQUIVALENTS &amp; INVESTMENTS</b>	<b>234,298,936.09</b>	<b>100.00%</b>		
<b>Grandfathered Investments</b>				
LEVEL OF DEDICATED ETHICAL INVESTMENTS	0.00	0.00%		

**SUMMARY**

Dubbo Regional Council outperformed the 11am Official Cash Rate market benchmark of 1.50%, with an average annualised return of 1.90% for its At Call investments for the month of June 2018. Council also outperformed the Bloomberg AusBond Bank Bill Index of 1.86% for the month, with an average annualised return of 2.89% for its overall portfolio return, including an average annualised return on Term Deposits and Floating Rate Notes of 3.08%.



## REPORT: Solid Waste Services - Petition

**AUTHOR:** Manager Solid Waste  
**REPORT DATE:** 10 July 2018  
**TRIM REFERENCE:** ID18/1135

### EXECUTIVE SUMMARY

Through the harmonisation of Waste Services, the new defined Waste Collection Zones were adopted by Council. This resulted in the extension of services to approximately 170 properties that previously did not receive a service.

As a result of this expansion, six property owners in The Old Road, Geurie have forwarded a petition (**Appendix 1**) to Council stating that they do not want the bin service. The main reason stated is that they are happy using the Geurie Landfill to dispose of their waste. The location of these property owners is included as **Appendix 2** to this report.

This petition is now placed before Council for notation.

### ORGANISATIONAL VALUES

Customer Focused: Members of the community have requested that a petition they have developed be made available to Councillors for their information. This petition is accordingly now before Council as requested.

Integrity: Members of the community have requested that a petition they have developed be made available to Councillors for their information. This petition is accordingly now before Council as requested.

One Team: Not applicable

### FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

### POLICY IMPLICATIONS

There are no financial implications as a result of this report.

### RECOMMENDATION

**That the petition regarding the new bin services lodged by the six property owners at Geurie be noted.**

*Mark Giebel*  
Manager Solid Waste



Appendices:



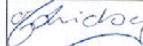


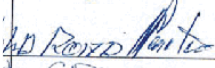






- 1 [↓](#) Three Bin Waste Collection Service Petition - The Old Road Geurie
- 2 [↓](#) Three Bin Waste Collection Service Map - The Old Road Geurie

To the Chief Executive of Dubbo Regional Council

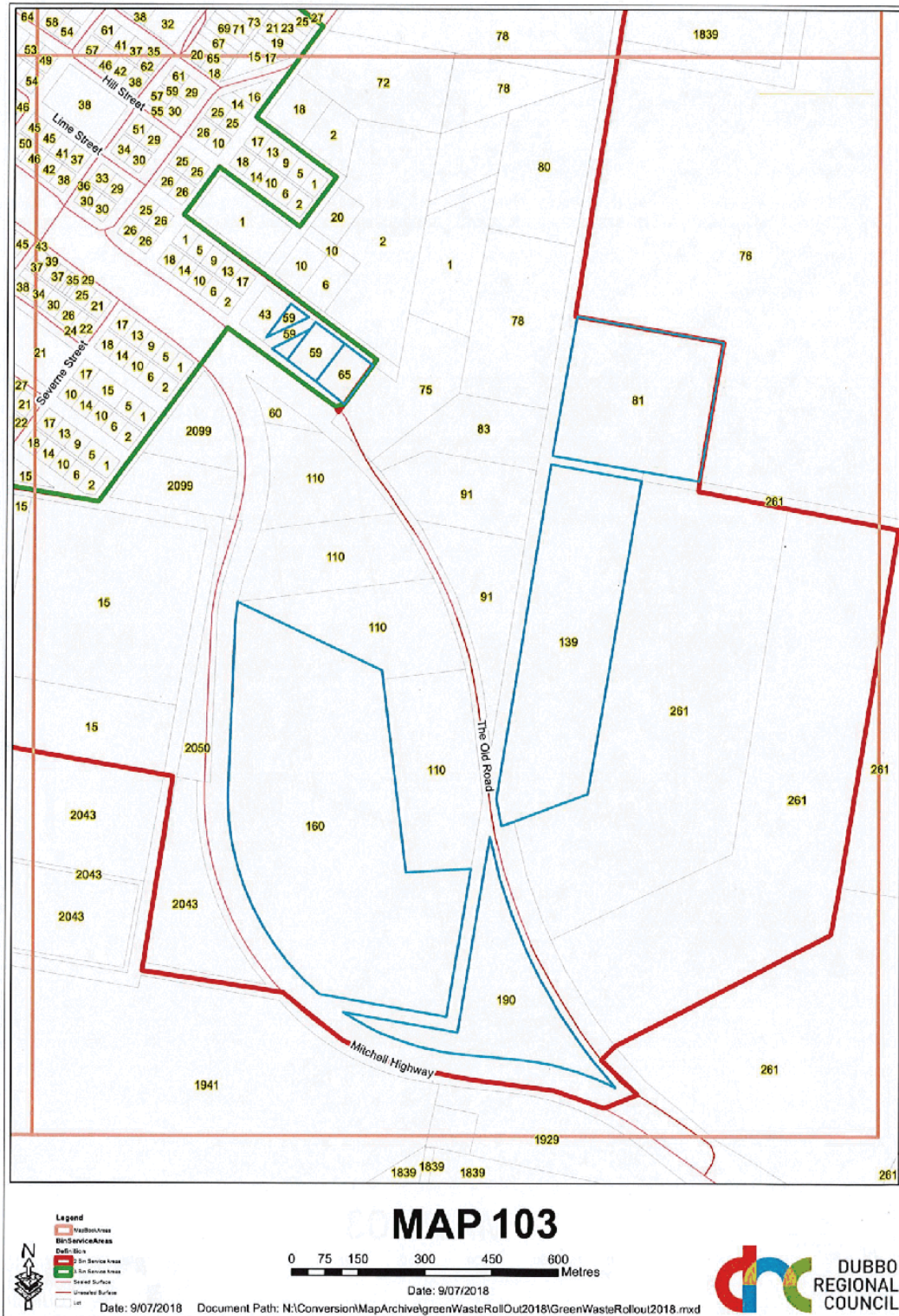
RE: Three (3) Bin Waste Collection service.

We, the rate payers & residents of The Old Road GEURIE NSW wish to advise that we DO NOT want Kerbside Garbage Collection (Three (3) Bin Waste Collection service) made available. We are happy with the current arrangement of taking general garbage, food & garden waste + recycled goods to the Geurie tip facility as required. We hereby request the Chief Executive to act in the interest of the rate payers & terminate any further progression in the rolling out of this service.

We understand that any waste bins that have already been delivered will be returned by the rate payer to the Geurie Tip facility unless otherwise instructed.

Rate Payers name/s	Address & contact No.	Signed	Date
KEVIN BESANT TAMICA BESANT		 	
MICHELLE LINDSAY TONY LINDSAY		 	
Brian Honeyman TIGER PAXTON		 	
Cristine Pace William Pace		 	
Patricia Stewart Stephen Stewart		 	
Matthew Sharon Rowell		 	

Petition\_Garbage\_DRC\_The\_Old\_Road\_GEURIE\_2018





DUBBO REGIONAL  
COUNCIL

## **Report of the Planning Development and Environment Committee meeting 9 July 2018**

**AUTHOR:** Administration Officer - Governance  
**REPORT DATE:** 6 July 2018

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The Committee had before it the report of the Planning, Development and Environment Committee meeting held 9 July 2018.

### **RECOMMENDATION**

**That the report of the Planning, Development and Environment Committee meeting held on 9 July 2018, be noted.**



**REPORT  
PLANNING, DEVELOPMENT AND  
ENVIRONMENT COMMITTEE  
9 JULY 2018**

---

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

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Team Leader Governance, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Director Planning and Environment, the Manager Strategic Planning Services (L Griffiths) and the Director Community and Recreation.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.31pm.

**PDEC18/27 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE  
- MEETING 12 JUNE 2018 (ID18/1034)**

The Committee had before it the report of the Planning, Development and Environment Committee meeting held 12 June 2018.

Moved by Councillor J Diffey and seconded by Councillor G Mohr

**MOTION**

**The Committee recommends that the report of the Planning, Development and Environment Committee meeting held on 12 June 2018, be noted.**

**CARRIED**

**PDEC18/28 BUILDING SUMMARY - JUNE 2018 (ID18/1093)**

The Committee had before it the report dated 29 June 2018 from the Director Planning and Environment regarding Building Summary - June 2018.

Moved by Councillor A Jones and seconded by Councillor J Diffey

**MOTION**

**That the information contained in this report of the Director Planning and Environment dated 29 June 2018 be noted.**

**CARRIED**

**PDEC18/29 SOUTHLAKES DEVELOPMENT CONTROL PLAN 2 - RESULTS OF PUBLIC EXHIBITION (ID18/882)**

The Committee had before it the report dated 7 June 2018 from the Senior Strategic Planner regarding Southlakes Development Control Plan 2 - Results of Public Exhibition.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

**MOTION**

- 1. That the Southlakes Estate Development Control Plan 2, as provided here as Appendix 1 of the report of the Senior Strategic Planner dated 9 July 2018 be adopted.**
- 2. That an advertisement be placed in local print media specifying adoption of the Southlakes Estate Development Control Plan 2.**

**CARRIED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Diffey	
Councillor Etheridge	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
<b>Total (8)</b>	<b>Total (0)</b>

**PDEC18/30 LEAVE OF ABSENCE**

Requests for leave of absence were received from Councillors D Grant and D Gumley who were absent from the meeting for personal reasons.

Moved by Councillor A Jones and seconded by Councillor G Mohr

**MOTION**

**That such requests for leave of absence be accepted and Councillors D Grant and D Gumley granted leave of absence from this meeting.**

**CARRIED**

The meeting closed at 5.33pm.

.....  
CHAIRMAN



DUBBO REGIONAL  
COUNCIL

## **Report of the Infrastructure Community and Recreation Committee meeting 9 July 2018**

**AUTHOR:** Administration Officer - Governance  
**REPORT DATE:** 6 July 2018

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The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 9 July 2018.

### **RECOMMENDATION**

**That the report of the Infrastructure, Community and Recreation Committee meeting held on 9 July 2018, be noted.**





**REPORT  
INFRASTRUCTURE, COMMUNITY AND  
RECREATION COMMITTEE  
9 JULY 2018**

---

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

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Team Leader Governance, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Director Planning and Environment, the Manager Strategic Planning Services (L Griffiths) and the Director Community and Recreation.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.33pm.

**ICRC18/57 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION  
COMMITTEE - MEETING 12 JUNE 2018 (ID18/1035)**

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 12 June 2018.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

**MOTION**

**That the report of the Infrastructure, Community and Recreation Committee meeting held on 12 June 2018, be noted.**

**CARRIED**

**ICRC18/58 DEDICATION AS PUBLIC ROAD OF LAND ADJACENT TO GOLDEN HIGHWAY, BOOTHENBA (ID18/1027)**

The Committee had before it the report dated 25 June 2018 from the Manager Transport and Emergency regarding Dedication as Public Road of Land Adjacent to Golden Highway, Bootherba.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

**MOTION**

**That Council accept dedication of land as public road compulsorily acquired by Roads and Maritime Services and identified as Lot 2 in DP 1224324, being part of the land in Certificate of Title 7003/1019798 as shown in Appendix 1 to the report of the Manager Transport and Emergency dated 25 June 2018.**

**CARRIED**

It is noted that as this matter relates to the compulsory acquisition, purchase, sale, exchange or surrender of land, the Infrastructure, Community and Recreation Committee does not have delegation to determine this matter. This matter shall be referred to Council for determine accordingly.

**ICRC18/59 DEDICATION AS PUBLIC ROAD OF LAND AT EUMUNGERIE (ID18/1025)**

The Committee had before it the report dated 23 June 2018 from the Manager Transport and Emergency regarding Dedication as Public Road of Land at Eumungerie.

Moved by Councillor A Jones and seconded by Councillor G Mohr

**MOTION**

- 1. That Council accept dedication of land as public road compulsorily acquired by Roads and Maritime Services and identified as:**
  - **Lot 5 in DP 123011, being part of the land in Certificate of Title 7006/1020480**
  - **Lot 6 in DP 1235011, being part of the land in Certificate of Title 7302/1139037**
  - **Lot 8 in DP 1235011, being part of the land in Certificate if Title 7301/1137995 as shown in Appendix 1 to this report.**
- 2. That any necessary documents be executed under the Chief Executive Officer's Power of Attorney.**

**CARRIED**

It is noted that as this matter relates to the compulsory acquisition, purchase, sale, exchange or surrender of land, the Infrastructure, Community and Recreation Committee does not have delegation to determine this matter. This matter shall be referred to Council for determine accordingly.

**ICRC18/60 PROPOSED CLOSURE OF PUBLIC WALKWAY IN KOOKABURRA CLOSE  
(ID18/1026)**

The Committee had before it the report dated 23 June 2018 from the Manager Transport and Emergency regarding Proposed Closure of Public Walkway in Kookaburra Close.

Moved by Councillor B Shields and seconded by Councillor V Etheridge

**MOTION**

1. That Council consent to the commencement of proceedings for the permanent closure of the public walkway in Kookaburra Close.
2. That following a 28 day period of onsite notification of the proposed closure, the walkway be barricaded off to prevent its further use pending formal road closure approval and land disposal processes.
3. That the disposal of land be subject to a land valuation report being prepared and contracts of sale being entered into with the intending purchasers.
4. That any necessary documents be executed under the Chief Executive Officer's Power of Attorney.

**CARRIED**

**ICRC18/61 PEDESTRIAN ROAD SAFETY ENVIRONMENT - BOUNDARY ROAD, DUBBO -  
STATUS REPORT (ID18/1041)**

The Committee had before it the report dated 26 June 2018 from the Senior Traffic Engineer regarding Pedestrian Road Safety Environment - Boundary Road, Dubbo - Status Report.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

**MOTION**

**That the information be noted on the progress of the investigation into the traffic and pedestrian road safety environment in Boundary Road in the vicinity of the Dubbo College South Campus and neighbourhood shops.**

**CARRIED**

**ICRC18/62 PEDESTRIAN ROAD SAFETY ENVIRONMENT - LEICHHARDT STREET, DUBBO - STATUS REPORT (ID18/1039)**

The Committee had before it the report dated 26 June 2018 from the Senior Traffic Engineer regarding Pedestrian Road Safety Environment - Leichhardt Street, Dubbo - Status Report.

Moved by Councillor J Ryan and seconded by Councillor K Parker

**MOTION**

**That the information be noted on the status of the investigation into the traffic and pedestrian road safety environment in Leichhardt Street in the vicinity of the Peppercorn Childcare Centre.**

**CARRIED**

*Councillor J Diffey declared a non-pecuniary, less than significant interest in the matter now before the Committee and remained in the room during the Committee's consideration of this matter. The reason for such interest is that Councillor J Diffey has a child that attends a childcare centre at this location and that such interest would not impair her decision making on the matter.*

**ICRC18/63 REVIEW OF THE LOCATION OF THE REVERSE VENDING MACHINE WITHIN THE VICTORIA PARK PRECINCT (ID18/1008)**

The Committee had before it the report dated 18 June 2018 from the Director Community and Recreation regarding Review of the location of the Reverse Vending Machine within the Victoria Park precinct.

Moved by Councillor B Shields and seconded by Councillor J Ryan

**MOTION**

- 1. That Council considers the appropriateness of the Victoria Park location for a Return and Earn reverse vending machine in Dubbo.**
- 2. That Council notes that a Development Application has been submitted by Murdi Paaki for a 'bulk' collection point on its site at Blue Ridge Estate and its potential approval by the end of August 2018.**

**CARRIED**

**ICRC18/64 REPORT OF THE CYCLING FACILITY WORKING PARTY - MEETING 28 JUNE 2018  
(ID18/1113)**

The Committee had before it the report of the Cycling Facility Working Party meeting held 28 June 2018.

Moved by Councillor J Diffey and seconded by Councillor A Jones

**MOTION**

**That the report of the Cycling Facility Working Party meeting held on 28 June 2018, be adopted.**

**CARRIED**

**ICRC18/65 MEN'S SHED FACILITY DUBBO (ID18/1014)**

The Committee had before it the report dated 19 June 2018 from the Manager Operations regarding Men's Shed Facility Dubbo.

Moved by Councillor J Ryan and seconded by Councillor J Diffey

**MOTION**

**That a purpose built shed be built at Victoria Park Number 1 Oval for Operations staff to enable the Dubbo Community Men's Shed to expand.**

**CARRIED**

**ICRC18/66 DUBBO REGIONAL COUNCIL AND SAVE THE CHILDREN AUSTRALIA -  
STRATEGIC PARTNERSHIP (ID18/1020)**

The Committee had before it the report dated 21 June 2018 from the Manager Macquarie Regional Library regarding Dubbo Regional Council and Save the Children Australia - Strategic Partnership.

Moved by Councillor A Jones and seconded by Councillor J Diffey

**MOTION**

- 1. That Dubbo Regional Council, as Executive Council of Macquarie Regional Library, enter into a strategic partnership with Save the Children Australia.**
- 2. That the strategic partnership operates under the terms of a Memorandum of Understanding (MOU) which clearly outlines the roles and responsibilities of each partner organisation.**

**CARRIED**

**ICRC18/67 MEMBERSHIP OF THE DISABILITY INCLUSION TECHNICAL PANEL (ID18/1037)**

The Committee had before it the report dated 26 June 2018 from the Executive Manager Governance and Internal Control regarding Membership of the Disability Inclusion Technical Panel.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

**MOTION**

That the five (5) Community representatives on the Disability Inclusion Technical Panel be determined.

Moved by Councillor B Shields and seconded by Councillor J Diffey

**AMENDMENT**

- 1. That the Community representatives be increased from five (5) to seven (7) on the Disability Inclusion Technical Panel, with the further addition of two (2) alternates.**
- 2. That the seven (7) community representative of the Disability Inclusion Technical Panel be:**
  - **Gavin Stait**
  - **Michael Langley**
  - **Michelle Thompson**
  - **Cassie Gardner**
  - **John Gleeson**
  - **Donna Flack**
  - **Cody Jones**
- 3. That the two (2) Alternative community representatives of the Disability Inclusion Technical Panel be:**
  - **Wendy Carpenter**
  - **Paul Hausia**

The amendment on being put to the meeting was carried.

**CARRIED**

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

**CARRIED**

*Councillor S Lawrence declared a non-pecuniary, less than significant interest in the matter now before the Committee and remained the room during the Committee's consideration of this matter. The reason for such interest is that Councillor S Lawrence partnered with one of the applicants on his Country Labour ticket at the 2017 Local Government Elections and that such interest would not impair his decision making on the matter.*

**ICRC18/68 LEAVE OF ABSENCE**

Requests for leave of absence were received from Councillors D Grant and D Gumley who were absent from the meeting for personal reasons.

Moved by Councillor A Jones and seconded by Councillor J Ryan

**MOTION**

**That such requests for leave of absence be accepted and Councillors D Grant and D Gumley granted leave of absence from this meeting.**

**CARRIED**

The meeting closed at 5.52pm.

.....  
CHAIRMAN



DUBBO REGIONAL  
COUNCIL

## **Report of the Economic Development Business and Corporate Committee - meeting 9 July 2018**

**AUTHOR:** Administration Officer - Governance  
**REPORT DATE:** 6 July 2018

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The Committee had before it the report of the Economic Development, Business and Corporate Committee meeting held 9 July 2018.

### **RECOMMENDATION**

**That the report of the Economic Development, Business and Corporate Committee meeting held on 9 July 2018, be noted.**





**REPORT  
ECONOMIC DEVELOPMENT, BUSINESS AND  
CORPORATE COMMITTEE  
9 JULY 2018**

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

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Team Leader Governance, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Director Planning and Environment, the Manager Strategic Planning Services (L Griffiths) and the Director Community and Recreation.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.53pm.

**EDBC18/35 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 12 JUNE 2018 (ID18/1036)**

The Committee had before it the report of the Economic Development, Business and Corporate Committee meeting held 12 June 2018.

Moved by Councillor J Ryan and seconded by Councillor B Shields

**MOTION**

**That the report of the Economic Development, Business and Corporate Committee meeting held on 12 June 2018, be noted.**

**CARRIED**

**EDBC18/36 LEASE TO NSW AMBULANCE - COMMUNICATIONS TOWER ON COUNCIL OWNED 43L BUNGLEGUMBIE ROAD (ID18/975)**

The Committee had before it the report dated 8 June 2018 from the Manager Property Assets regarding Lease to NSW Ambulance - communications tower on Council owned 43L Bunglegumbie Road.

Moved by Councillor B Shields and seconded by Councillor V Etheridge

**MOTION**

1. That Council (as the lessor) enter into a lease agreement with Health Administration Corporation on behalf of NSW Ambulance involving 4 x five year consecutive leases for the erection and operation of a communications tower on part Lot 801 DP 586082, 43L Bunglegumbie Road.
2. That the lease include an annual rent of \$1,000 exc. GST, increased annually in line with CPI (Sydney All Groups).
3. That each party be responsible for their own legal expenses.
4. That Council be responsible for preparation and registration of the plan of subdivision for lease purposes.
5. That the Chief Executive Officer be authorised to complete any documentation under his Power of Attorney.

**CARRIED**

**EDBC18/37 LOCAL GOVERNMENT NSW - 2018 ANNUAL CONFERENCE (ID18/1038)**

The Committee had before it the report dated 26 June 2018 from the Executive Manager Governance and Internal Control regarding Local Government NSW - 2018 Annual Conference.

Moved by Councillor B Shields and seconded by Councillor V Etheridge

**MOTION**

1. That it be noted that Council's Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors specifies that the Mayor and three Councillors be determined as voting delegates to attend the LGNSW Annual Conference.
2. That it be noted that the Mayor, as a board member of LG NSW is entitled to a vote at the conference in addition to the four votes allocated to Dubbo Regional Council.
3. That as the Mayor is provided a vote as a board member in addition to the four allocated votes to Dubbo Regional Council, Council determine four Councillor voting delegates, alternate voting Councillor and the Councillor observers to attend the Local Government NSW Conference to be held in Albury at the Entertainment Centre from 21 to 23 October 2018.

**CARRIED**

At this stage, nominations were invited for four (4) Councillor delegates, alternative voting Councillor and Councillor observer to attend the Local Government NSW Conference to be held in Albury at the Entertainment Centre from 21 to 23 October 2018. The following nominations were received:

Councillor V Etheridge nominated as a delegate by Councillor A Jones and Councillor B Shields

Councillor S Lawrence nominated as a delegate by Councillor A Jones and Councillor B Shields

Councillor J Ryan nominated as a delegate by Councillor A Jones and Councillor B Shields

Councillor K Parker nominated as a delegate by Councillor A Jones and Councillor B Shields

Councillor G Mohr nominated as an alternative voting delegate by Councillor A Jones and Councillor B Shields

Councillors V Etheridge, S Lawrence, J Ryan, K Parker and G Mohr accepted their nominations.

It is noted that no nominations were received for the position of Councillor observer.

#### **MOTION**

**That Councillors V Etheridge, S Lawrence, J Ryan and K Parker be the nominated delegates and Councillor G Mohr be the alternative voting Councillor to attend the Local Government NSW Conference to be held in Albury at the Entertainment Centre from 21 to 23 October 2018 inclusive.**

**CARRIED**

At this juncture the meeting adjourned, the time being 5.57pm.

The meeting recommenced at 6.01pm.

#### **EDBC18/38 DUBBO CITY REGIONAL AIRPORT DEVELOPMENT (ID18/1028)**

The Committee had before it the report dated 25 June 2018 from the Director Economic Development and Business regarding Dubbo City Regional Airport Development.

Moved by Councillor A Jones and seconded by Councillor J Diffey

#### **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 B Shields and seconded by Councillor J Ryan

**MOTION**

1. That a 99 year lease be offered to the proposed leaseholder at an annual land rental fee of \$1.00 (exc. GST)
2. That a separate Lot be created for lease purposes with an area of approximately 1.15 ha.
3. That the proposed leaseholder be responsible for those lease preparation and subdivision costs, including Council's expenses up to \$5,000 exc. GST.
4. That any necessary documentation in relation to this matter be executed under the Power of Attorney.
5. That the documents and considerations in regard to this matter remain confidential to the Council.

**CARRIED**

**EDBC18/39 LEAVE OF ABSENCE**

Requests for leave of absence were received from Councillors D Grant and D Gumley who were absent from the meeting for personal reasons.

Moved by Councillor A Jones and seconded by Councillor J Diffey

**MOTION**

**That such requests for leave of absence be accepted and Councillors D Grant and D Gumley granted leave of absence from this meeting.**

**CARRIED**

The meeting closed at 6.02pm.

.....  
CHAIRMAN



DUBBO REGIONAL  
COUNCIL

## Report of the Street Tree Advisory Committee - meeting 3 July 2018

**AUTHOR:** Administration Officer - Governance  
**REPORT DATE:** 6 July 2018

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The Committee had before it the report of the Street Tree Advisory Committee meeting held 3 July 2018.

### RECOMMENDATION

**That the report of the Street Tree Advisory Committee meeting held on 3 July 2018, be noted.**

Appendices:

[1](#) Street Tree Advisory Committee - 03/07/2018 - Reports



**REPORT**  
**STREET TREE ADVISORY COMMITTEE**  
**3 JULY 2018**

**DUBBO REGIONAL  
COUNCIL**

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**PRESENT:** Councillors V Etheridge, S Lawrence, J Ryan and B Shields, the Director Infrastructure and Operations, Mrs B Edmondson (arrived 5.50 pm) (Community Representative), Mr M Gardner (Community Representative) and Mrs B Sutherland (Community Representative).

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Manager Recreation and Open Space, the Manager Operations – Community and Recreation, the Director Infrastructure and Operations, the Operations Engineer (West) and Administration Officer – Infrastructure.

Councillor J Ryan assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**STC18/10     PRIORITISED 12 MONTH PROJECTS FOR THE STREET TREE ADVISORY COMMITTEE (ID18/1013)**

The Committee had before it the report dated 19 June 2018 from the Director Community and Recreation regarding Prioritised 12 month Projects for the Street Tree Advisory Committee.

**RECOMMENDATION**

**That the Street Tree Advisory Committee determined its priorities for 2018/2019 financial year.**

**STC18/11     PLANTING PROPOSAL FOR WINDSOR PARADE PARK (ID18/1015)**

The Committee had before it the report dated 20 June 2018 from the Manager Recreation and Open Space regarding Planting Proposal for Windsor Parade Park.

**RECOMMENDATION**

**That a landscape/urban designer be engaged to undertake a ‘Gateway Planning Scheme’ concept plan for the area and that a further report be prepared for the Street Tree Committee.**

**STC18/12 STREET TREE - OPERATIONS (ID18/993)**

The Committee had before it the report dated 15 June 2018 from the Manager Operations regarding Street Tree - Operations.

**RECOMMENDATION**

**That the street tree located at 24 Hutchins Avenue be retained.**

**STC18/13 PURVIS LANE RECONSTRUCTION - REMOVAL OF TREES (ID18/1022)**

The Committee was provided with a verbal presentation with regard to this item.

**RECOMMENDATION**

- 1. That the trees, as identified in Council Tree Removal Plan RC7189, be removed as part of the Purvis Lane Infrastructure Project.**
- 2. That the two mature White Box tree trunks only, once removed, be relocated to an agreed safe location for use as dead tree habitat.**
- 3. That the Committee revisit the Purvis Lane Reconstruction Project in 12 months to discuss replacement tree planting options.**

**STC18/14 LEAVE OF ABSENCE**

Requests for leave of absence were received from Chief Executive Officer, Director Planning and Environment and Ms N Grant (Community Representative) who was absent from the meeting for personal reasons and the Director Community and Recreation who was absent from the meeting for work reasons. Such leave of absence were accepted by the Committee and the members concerned were granted leave of absence for this meeting.

The meeting closed at 6.58pm.

.....  
CHAIRMAN

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

STC18/10



**REPORT: Prioritised 12 month Projects for  
the Street Tree Advisory Committee**

**AUTHOR:** Director Community and Recreation  
**REPORT DATE:** 19 June 2018  
**TRIM REFERENCE:** ID18/1013

**EXECUTIVE SUMMARY**

On Friday 15 July 2018, community representatives from the Street Tree Advisory Committee met with the Chief Executive Officer and the Mayor to discuss the direction of the Street Tree Advisory Committee. One of the major concerns was moving towards working through Street Tree related issues from a strategic perspective and address what the community members perceived was a cultural issue within Council whereby street trees were not valued and therefore not considered for retention as an element of infrastructure projects.

An outcome of that meeting was that the Director Community and Recreation was required to put before the Street Tree Advisory Committee a draft Action List that would set the focus for the Street Tree Advisory Committee beyond operational considerations of street tree matters.

The proposed major priorities for 2018/2019 include:

Establishing Existing Urban Forest Canopy Cover	September 2018
Priority streets and species for increased street tree planting funding in 2020/2021 and 2021/2022 and associated community consultation process	September 2018
Design for Cobra Street – Mitchell Highway east Dubbo roadside tree plantings	December 2018
Draft Urban Forest Canopy Cover Target and associated policies Formal adoption by Council	March 2019 June 2019
Review and Input into concept design and costs of infrastructure projects that interact with street tree avenues	April 2019 (to inform project budgets for 2019/2020)

**ORGANISATIONAL VALUES**

Customer Focused: The formation of the Street Tree Advisory Committee and recommending subsequent priorities for the coming 12 months reflects Council’s response to community concern regarding infrastructure projects and street tree removals.

Integrity: Council is transparent in its decision making and is seeking to increase community understanding and stakeholder engagement as it relates to street tree management and infrastructure.



STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

**STC18/10**

One Team: Infrastructure projects to be considered successful by the community require significant interaction with a broad cross section of the functions of Council such as technical design, construction management, tree management, communication and stakeholder engagement.

**FINANCIAL IMPLICATIONS**

The current action list is budgeted for with existing operational budgets. It should be noted that individual project budgets as articulated within the forward four year budget may have increased costs should Council adopt a future urban canopy cover target that seeks to markedly increase trees within the streetscape/developments or substantially restrict the removal of existing trees.

**POLICY IMPLICATIONS**

There is the potential for new policies to arise from the 2018/2019 Action List of the Street Tree Advisory Committee.

**RECOMMENDATION**

**That the Street Tree Advisory Committee determine its priorities for 2018/2019 financial year.**

*Murray Wood*  
Director Community and Recreation

**BACKGROUND**

At the November 2017 Infrastructure, Community and Recreation Committee it was resolved to put to the November 2017 Ordinary Council Meeting the following:

1. *"That Council form a Committee to review proposed removal and/or replacement of trees required to complete infrastructure projects comprising the Mayor, interested Councillors, the General Manager, the Director Community and Recreation or his nominee, the Director Infrastructure and Operations or his nominee, the Director Planning and Environment or her nominee, and four (4) community representatives.*
2. *That the Committee undertake a review of Council's strategic master plan for the city's tree scape for the consideration of Council following a community consultation process.*
3. *That the Director Community and Recreation be requested to develop a draft Council Policy for Urban Street Tree Removal for the review of the Committee and consideration of Council following a community consultation process.*
4. *That all activities relevant to the Urban Street Tree Removal Policy be reported to the Committee and Council on a quarterly basis.*
5. *That the proposed removal of and/or replacement of trees required as part of Council's infrastructure projects, apart from any projects which are well advanced and subject to contractual obligations, (being the Boundary Road Extension project, the Bultje Street - Dubbo CBD Heat Island Amelioration project and the Cobra/Fitzroy Street Signalisation Project and Erskine Street, west of Darling Street) be postponed until a community committee has been established to review such proposed tree removal and/or replacement with recommendations to Council's Infrastructure, Community and Recreation Committee."*

Council at the February 2018 Ordinary meeting of Council resolved:

1. *That the Councillor representatives on the Street Tree Advisory Committee be determined by Council.*
2. *That the four (4) Community representatives on the Street Tree Advisory Committee be determined by Council.*
3. *That the draft Terms of Reference as attached to the report of the Manager Governance and Risk dated 8 February 2018 as Appendix 2 be adopted.*
4. *That the draft Delegation of Authority to the Street Tree Advisory Committee as attached to the report of the Manager Governance and Risk dated 8 February 2018 as Appendix 3 be adopted."*

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

STC18/10

REPORT

A key feature of the adopted terms of reference for the Street Tree Advisory Committee is

1. *To provide advice on the development of and subsequent adoption by Council of a strategic tree management policy – Dubbo Regional Council Urban Forest Strategy.*
2. *To provide advice and recommendations to Council on policies that relate to tree management related issues."*

Community members of the Street Tree Advisory Committee met with the Mayor, Chief Executive Officer and the Director Community and Recreation on Friday 15 July 2018. Whilst a far reaching discussion was held some of the key points arising from the meeting was the desire for the Street Tree Advisory Committee to consider issues at a higher strategic level, concerns over Dubbo's urban forest canopy cover and to focus on what was alleged to be a culture of Council that favoured removal of trees to simplify the design and delivery of infrastructure projects.

The Urban Forest

The Urban Forest Strategy of the City of Sydney defines urban forestry as *"the management of trees, shrubs and other vegetation in urban areas. It focuses on the 'forest' or larger population of trees rather than individual trees along streets, in parks and open spaces and within commercial, industrial and residential properties."*

The urban forest is further defined in the City of Sydney document as *consisting of all trees and vegetation located throughout the local government area; irrespective of the tree species origin (native, exotic), location (street, park, garden, school) or ownership (public, private, institutional).*

**STREET TREE ADVISORY COMMITTEE  
3 JULY 2018**

**STC18/10**

Prioritised Action List

To structure the potential workload of the committee it was agreed at the meeting of the 15 July 2018 that the Director Community and Recreation would provide a draft list of priorities for the Street Tree Advisory Committee to consider through 2018/2019 financial year.

ITEM	KEY MILESTONES	BY WHOM	BY WHEN	STATUS
1	Determine priority streets and species for allocation against the increased street tree planting funding in 2020/2021 and 2021/2022. Also determine associated community consultation process per street.	DCR	September meeting	Active
2	Establishing the current Urban Forest Canopy Cover metrics for Dubbo urban area and Wellington urban area	DCR	September meeting	Active
3	Assess the Significant Tree Register Review and make recommendation to Council	DCR	October meeting	Active
4	Approve design for Cobra Street (Mitchell Hwy east Dubbo) roadside tree plantings in the location where significant stands have died due to drought	DCR	December meeting	Not started
5	Draft Urban Forest Canopy Cover Target and associated policies recommended to Council	DRC	March Meeting	Not started
6	Review and provide input into concept design and associated costs of infrastructure projects that interact with street tree avenues proposed for 2019/2020	DIO	April meeting	Active
7	Ongoing review of reports submitted by staff and subsequent decisions and recommendations to Council	DIO/ DCR	Ongoing	Active
8	Presentation from RMS on Cobra Fitzroy Street intersection project	DCR	July/ August meeting	Active (by RMS)

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

STC18/11



## REPORT: Planting Proposal for Windsor Parade Park

**AUTHOR:** Manager Recreation and Open Space  
**REPORT DATE:** 20 June 2018  
**TRIM REFERENCE:** ID18/1015

### EXECUTIVE SUMMARY

Windsor Parade Park is located on the southern boundary of Dulhunty Estate in East Dubbo. It is bounded to the north by Windsor Parade and to the south by the Mitchell Highway. The park is classified as a Local Basic Park and is unirrigated.

During the prolonged dry period experienced since the beginning of 2018, a large number of trees in this area have either died or under severe water stress. Council has attempted to mitigate the impact of the extremely low rainfall experienced during this period through the delivery of supplementary water to this area through the use of a water truck.

A site investigation was carried out on the 20 June 2018 to identify what plant species have survived and what species have failed. As part of the site investigation an opportunity to incorporate the Stockholm tree (Dubbo modified) planting methodology with Water Sensitive Design (WSUD) was considered.

As nearly 60% of the total park (i.e. kerb to kerb) is designated as road reserve the proposed park (street) tree planting proposal is required to go to the Street Tree Advisory Committee for consideration.

### ORGANISATIONAL VALUES

Customer Focused: Windsor Parade Pocket Park is located along side the Mitchell Highway on the eastern approach to Dubbo. Although not highly utilised for “park” related recreational activities, it has significant value to the overall amenity and shading of Dubbo.

Integrity: Council remains transparent in its decision making process in regards to improvements to the urban forest through consultation with the community and the Street Tree Advisory Committee.

One Team: If this proposal is adopted other sections of Council will be required to provide technical advice and expertise in the delivery of the project. These would include Infrastructure Strategy (design), Infrastructure Delivery (construction of the linear tree pits and gutter works) and Operations (sourcing and planting of the trees and grasses and the installation of the irrigation system).

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

**STC18/11**

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

1. That the report from Manager Recreation and Open Space be noted.
2. That the Street Tree Advisory Committee consider the proposal of the construction of linear tree planting system for Windsor Parade Pocket Park.

*Ian McAlister*  
Manager Recreation and Open Space



**STREET TREE ADVISORY COMMITTEE  
3 JULY 2018  
REPORT**

**STC18/11**

Windsor Parade Park is located on the southern boundary of Dulhunty Estate in East Dubbo. It is bounded to the north by Windsor Parade and to the south by the Mitchell Highway. The park is classified as a Local Basic Park and is unirrigated and has previously been planted with a relatively high density of native trees to provide a visual buffer between the Mitchell Highway and the Dulhunty Estate. Many of these trees were planted in the mid-1990s as part of then Parks and Landcare’s 10,000 annual tree planting initiative. Figure 1 identifies the trees present at the time of the 2014 Dubbo tree audit (ENSPEC).



Figure 1 – Tree audit results for the Windsor Parade Pocket Park 2014 (ENSPEC).

As a result of a prolonged dry spell, and possibly changes to soil hydrology as a result of the recent construction of the Capstan Street round-a-bout, Council has lost a significant proportion of the trees within the Windsor Parade Pocket Park. Many of these trees were of a significant age (20 years) and have survived prolonged dry spells previously. Their loss will have a significant impact on the visual amenity and canopy coverage of the immediate area.

A site inspection carried out on the 20 June 2018 identified that approximately 77% of the trees located in the park have either died or under such severe water stress that they are unlikely to survive without immediate and significant rainfall – Figure 2. Dubbo Regional Council has attempted to limit the loss of trees in this area through the provision of supplementary water, with over 60,000 litres being delivered in March and April alone.



Figure 2. Tree health status at Windsor Parade Pocket Park 20 June 2018. Orange indicates trees that are either dead or under such severe water stress that are unlikely to recover. Green indicates trees that are in either good health or have a reasonable chance of recovery.

Of particular note is that over 95% of the trees in this park are “natives” with the greatest losses occurring with the Lemon-scented Gums (*Corymba citriodora*), River Red Gum (*Eucalyptus camaldulensis*) and Callistemon species. Many of the River Oaks (*Casuarina cunninghamiana*) have also died or under extreme water stress. In contrast the best performing species within this area is the Bottle Tree (*Brachychiton rupestris*) – that is a testament to its extensive root network and water storage ability.

As an unirrigated parkland there are obvious and demonstrated constraints in establishing and maintaining trees in this environment. As identified by bore hole logs in the Keswick Estate (south of the Mitchell Highway) this area of town has a relatively shallow soil profile sitting over a solid, or nearly so, bedrock. These constraints limit the amount of moisture that the soil profile can retain, and what species can be grown there successfully without significant site modifications to improve the conditions.

Another limitation that was identified is the large area of road reserve that comprises the “park.” As shown in figure 3, the total park (i.e. kerb to kerb) would appear to be 6,824m<sup>2</sup>. In reality nearly 60% (3,985m<sup>2</sup>) of the park is actually designated as road reserve. This constraint is more limiting on the Mitchell Highway side of the park as this land is controlled by the RMS and could be used for further road widening in the future.



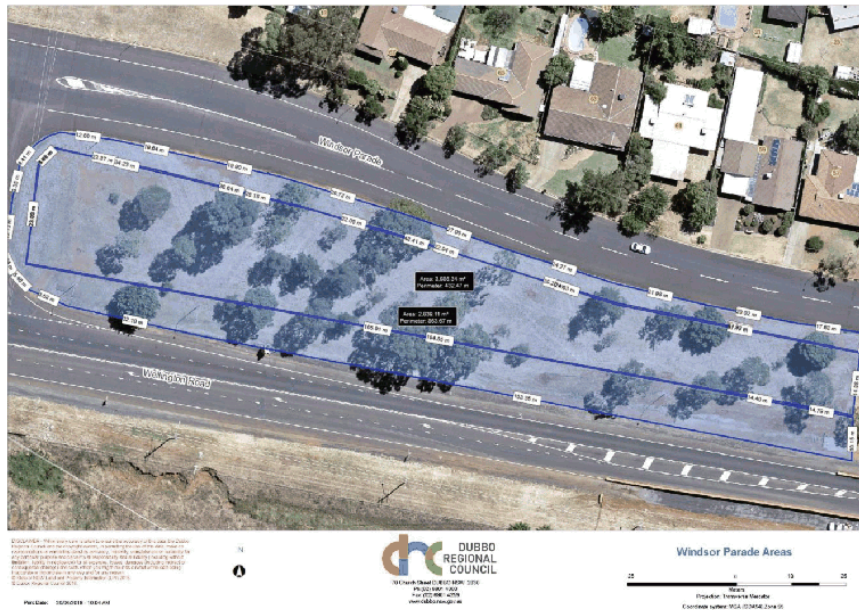


Figure 3. Windsor Parade Pocket Park. Designated parkland total is 2,839m<sup>2</sup>, whilst the road reserves areas totals 3,985m<sup>2</sup>.

Whilst there are site constraints that have the potential to limit the replanting and establishment of trees in the area, there are also opportunities that can be investigated further.

Dubbo Regional Council has been trialling the use of the Stockholm tree planting methodology within the streetscapes of Dubbo. Using this method underground root vaults are constructed using rock (100 – 150mm) to form a structural matrix that has a large voids throughout it. These voids are then infilled with biochar (washed in) to provide a growing medium for the trees. As part of our continual improvement program Dubbo Regional Council has since modified the tree planting methodology (cost efficiencies) and the blend (incorporation of composted material) to better suit our local conditions with great success (eg: central plantings in Darling Street (*Angophora floribunda* (Rough-barked Apples)). The basis of this tree planting methodology is the rock matrix provides a structural cell that prevents future compaction of the planting beds, the biochar and the compost will both improve the moisture holding ability of the growing medium, with the composted material providing an initial nutrient boost to assist in establishment.

To further enhance the improved growing condition of the linear pits a simple irrigation system, comprising of a main line (blue dashed line in figure 4) and feeder points into each of the beds could be installed. A simple manual turn on point would be required and would take the place of the water truck.

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

STC18/11

A further opportunity that presents itself through the use of the Stockholm planting method is the incorporation of stormwater harvesting from both the Mitchell Highway and Windsor Parade. This opportunity would require a modification of the traditional Stockholm tree planting methodology and be realised through the construction of linear tree planting lines, as shown in figure 4.



Figure 4. Proposed planting arrangement using a modified Stockholm tree planting methodology.

The above arrangement is indicative only and would require further investigation with regards to underground services, surviving trees and the finalised layout of the planting lines. However one of the significant benefits of the Stockholm planting methodology is the rock matrix itself can be installed around existing services, accommodate future service installations and, in regards to potential road widening works, can be easily and effectively modified at minimal cost to account for the new kerb alignment. A herring bone arrangement has been identified as it provides high visual density to the tree plantings and still provides good access for mowing equipment.

The proposed planting arrangement would connect directly to the concrete guttering on Windsor Parade and the northern swale of the Mitchell Highway. During rain events this arrangement would directly feed supplementary water to the linear tree pits. A similar Stockholm planting arrangement is shown in figure 5. This arrangement would need some further modification but is achievable.

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

STC18/11

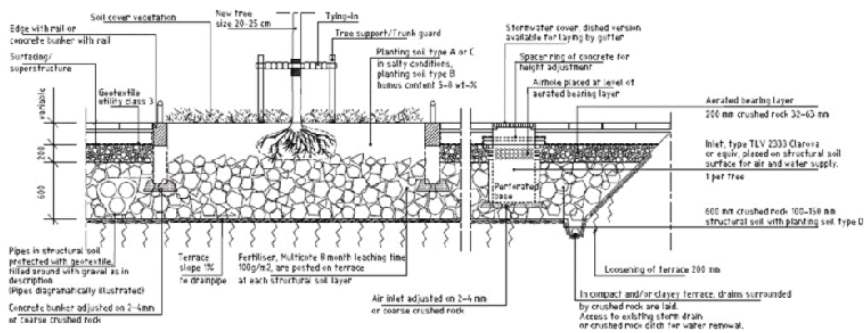


Figure 5. Stockholm tree planting methodology connecting to gutters.

Figure 6 shows how the Stockholm tree planting methodology could be adapted to suit the proposed tree planting in Windsor Parade Pocket Park. Two options on how the top of the pits could be finished, either as a rock or vegetated surface has also been shown. Native grasses would be the preferred option if a vegetated surface was chosen.

No formalised design or costing has been developed for this project to date. However if the proposed tree planting plan is adopted by the Street Tree Advisory Committee work can commence with the view of having a finalised detailed stormwater integration and planting plan developed by September 2018.

Following the finalisation of the design, costings for the implementation of the planting plan can be developed and incorporated into the 2019/2020 budget preparation. On the basis that the required funds are allocated in the 2019/2020 budget, it is proposed that the replanting of this area would be finalised by October 2019.





Figure 6. Summary of the Stockholm planting method.

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

**STC18/11**

**SUMMARY**

The loss of the trees in Windsor Parade Pocket Park although disappointing also provides the opportunity for Dubbo Regional Council to extend its trials in developing tree planting methods that provide trees the best possible chance of establishment and long term persistence in our landscapes.

The traditional, and the modified Dubbo version, of the Stockholm planting methodology has proven itself successful in establishing trees within road reserves. The further modification of the Stockholm planting methodology to incorporate linear tree lines (pits) and water Sensitive Urban Designs provides both an economical and efficient manner into tree planting into difficult sites.

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

STC18/12



## REPORT: Street Tree - Operations

AUTHOR: Manager Operations  
REPORT DATE: 15 June 2018  
TRIM REFERENCE: ID18/993

### EXECUTIVE SUMMARY

The owner of 24 Hutchins Avenue has written to the Street Tree Advisory Committee challenging the assessment of Council's Level 5 Lead Arborist and requests that the street tree located in front of her residence be removed.

The assessment from Council's arborist is for the tree to be retained.

### ORGANISATIONAL VALUES

Customer Focused: The resident has been met on site and the circumstances surrounding the tree have been discussed and explained.

Integrity: The tree has undergone International Society of Arboriculture guidelines for assessment.

One Team: No other branches of Council are involved. Community and Recreation Operations provide this information for your consideration.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

### RECOMMENDATION

**That the street tree located at 24 Hutchins Avenue be retained.**

*Craig Arms*  
Manager Operations

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

**STC18/12**

#### BACKGROUND

The owner of 24 Hutchins Avenue has written to the Street Tree Advisory Committee challenging the assessment of Council's Level 5 Lead Arborist and requests that the street tree located in front of her residence be removed.

#### REPORT

Report prepared by Council's Lead Arborist, Warren Gawthorne.

##### Situation

The customer has advised Dubbo Regional Council (DRC) via a customer request that the tree in the adjacent footpath south of the property 24 Hutchins Avenue is sucking the moisture from her front yard.

The customer expects the tree to be removed so no further damage to her lawn in her front yard will occur.

##### The Tree and Condition

The tree is a mature Golden Ash (*Fraxinus excelsior* 'Aurea'). The dimensions of the tree measured approximately 6.75 metres in height, a crown spread of 11 square metres and a diameter breast height (DBH) of 43cm measured at 1.2 metres from ground level.

The tree is in fair condition with a medium amount of deadwood/stubs throughout the canopy due to powerline clearing. No pests or diseases were evident at the time of inspection and no ground movement around the base of the tree detected. This means the tree is stable in the ground and whole tree failure is unlikely. The tree has an old wound on the western side of the trunk approximately 90cm long and 10cm at the widest point, no issues are arising from the wound at this point.

##### Issues Presented

The tree is situated in the Council footpath approximately 45cm north from the kerb and gutter and 2.5 metres south from a stone wall on the property boundary. Only minimal lifting of the kerb and gutter has occurred as a result. The tree is situated underneath power lines and has been continually pruned for clearance and safety, therefore the structure of the tree has been damaged. The customer has indicated that the tree is sucking moisture out of her front yard, causing the lawn to die off. The customer would like this tree removed and replaced with another species.

STREET TREE ADVISORY COMMITTEE  
3 JULY 2018

**STC18/12**

Recommendation

It is recommended the tree be retained.



**SUMMARY**

The owner of 24 Hutchins Avenue has written to the Street Tree Advisory Committee challenging the assessment of Council's Level 5 Lead Arborist and requests that the street tree located in front of her residence be removed.

The Lead Arborist's recommendation is for the tree to be retained.





## NOTICE OF MOTION: Transparency and Oversight of Variations to Developer Contributions

REPORT DATE: 16 July 2018  
FILE: ID18/1182

Council had before it a Notice of Motion dated 16 July 2018 from Councillor S Lawrence regarding the Transparency and Oversight of Variations to Developer Contributions as follows:

*"It is noted that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.*

*It is also noted that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff (Appendix 1 and 2 respectively contain the staff advice and the relevant part of the report of the meeting of Council of 27 July 2015).*

*Further, it is noted that the subject Councillor declared an interest in this matter and left the room when it was before the Planning and Development Committee on 20 July 2015 and was absent when the matter was determined by Council on 27 July 2015.*

*Accordingly, I would like to place the following notice of motion on the agenda for the July 2018 Ordinary meeting of Council.*

*"Noting that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff.*

*Noting that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.*

*That the following policy be adopted and applied:*

- 1. For any development application or complying development certificate where a Councillor is a development proponent or property owner and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.*
- 2. For any development application or complying development certificate where a Councillor has a relevant relationship with the development proponent and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.*
- 3. The third-party review in either case will then be considered by a Committee comprised of the Chief Executive Officer, Internal Ombudsman, Director Planning and Environment*

*and relevant Director relating to the origin of the Developer Contributions Plan, who, after considering the third- party review, will make a recommendation to Council whose role it will be to make the determination.*

4. *That the third-party review and the recommendation of the Committee be included in the Business Paper for the Council meeting where the matter is to be determined”.*

## RECOMMENDATION

**Noting that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff.**

**Noting that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.**

**That the following policy be adopted and applied:**

1. **For any development application or complying development certificate where a Councillor is a development proponent or property owner and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.**
2. **For any development application or complying development certificate where a Councillor has a relevant relationship with the development proponent and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.**
3. **The third-party review in either case will then be considered by a Committee comprised of the Chief Executive Officer, Internal Ombudsman, Director Planning and Environment and relevant Director relating to the origin of the Developer Contributions Plan, who, after considering the third- party review, will make a recommendation to Council whose role it will be to make the determination.**
4. **That the third-party review and the recommendation of the Committee be included in the Business Paper for the Council meeting where the matter is to be determined.**

*Councillor S Lawrence*  
Councillor

Appendices:

- 1↓ Notice of Motion - Transparency and Oversight of Variations to Developer Contributions - Councillor S Lawrence
- 2↓ Planning and Development Committee - 20 July 2018 - Report: D2015-201 (2) - Indoor Recreation Facility ('Flip Out'), 18-30 Mountbatten Drive, Dubbo - Section 96 Request for Modification of Urban Roads Contributions
- 3↓ Planning and Development Committee - 20 July 2018 - Report: D2015-201 (2) - Indoor Recreation Facility ('Flip Out'), 18-30 Mountbatten Drive, Dubbo - Section 96 Request for Modification of Urban Roads Contributions - Minute

***Councillor Stephen Lawrence***  
PO Box 81  
DUBBO NSW 2830

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16 July 2018

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

Dear Michael

**NOTICE OF MOTION – TRANSPARENCY AND OVERSIGHT OF VARIATIONS TO DEVELOPER CONTRIBUTIONS**

It is noted that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.

It is also noted that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff (Appendix 1 and 2 respectively contain the staff advice and the relevant part of the report of the meeting of Council of 27 July 2015).

Further, it is noted that the subject Councillor declared an interest in this matter and left the room when it was before the Planning and Development Committee on 20 July 2015 and was absent when the matter was determined by Council on 27 July 2015.

Accordingly, I would like to place the following notice of motion on the agenda for the July 2018 Ordinary meeting of Council.

*“Noting that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff.*

*Noting that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.*

*That the following policy be adopted and applied:*

- 1. For any development application or complying development certificate where a Councillor is a development proponent or property owner and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.*

2. *For any development application or complying development certificate where a Councillor has a relevant relationship with the development proponent and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.*
3. *The third-party review in either case will then be considered by a Committee comprised of the Chief Executive Officer, Internal Ombudsman, Director Planning and Environment and relevant Director relating to the origin of the Developer Contributions Plan, who, after considering the third- party review, will make a recommendation to Council whose role it will be to make the determination.*
4. *That the third-party review and the recommendation of the Committee be included in the Business Paper for the Council meeting where the matter is to be determined”.*

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Lawrence', written over a large, faint, oval-shaped stamp or watermark.

*Stephen Lawrence*  
Councillor

PLANNING AND DEVELOPMENT COMMITTEE  
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**PDC15/27**



**REPORT: D2015-201 (2) - Indoor Recreation  
Facility ('Flip Out'), 18-30 Mountbatten  
Drive, Dubbo - Section 96 Request for  
Modification of Urban Roads Contributions**

**Applicant: Dubbo Trading Pty Ltd (Jake  
Matthews)**

**Owner: S Maas Holdings Pty Ltd and R Maas  
Holdings Pty Ltd**

**AUTHOR: Director Environmental Services  
REPORT DATE: 14 July 2015  
TRIM REFERENCE: ID15/919**

**EXECUTIVE SUMMARY**

A Section 96 application for the proposed modification of Development Consent D2015-201 (2) was lodged with Council on 6 July 2015, seeking to reduce the value of the Section 94 Urban Roads Contribution imposed as stated in Condition 3 of the consent. A copy of the submission provided with the application is included in **Appendix 1**.

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

***"3.6 Flexibility in Imposition of Contributions***

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

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

- (a) Where previous contributions have been paid on a particular property towards the planning need for which the contribution is to be levied and where it can be demonstrated that this can be attributed to the current development (i.e. that the demand for which the previous contribution was levied has not been realised and will be superseded by the current development application); or*

- (b) Where a material public benefit has been obtained by council in lieu of a monetary contribution for the purposes outlined in (a) above; or*
- (c) Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan.*

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

In addition, Section 1.4 of the Plan specifies the trip rates however the following notes are included in respect of the land uses:

*"Notes:*

- 1. Contributions are levied on the amount of traffic generated by development. That is, the number of vehicle "trips" that a development will generate on a daily basis.*
- 2. In order to determine the level of contribution payable for a proposed development, a pre-lodgement meeting with Council's Environmental Services Staff is recommended.*
- 3. Residential housing includes semi-detached, townhouses, villas, etc.*
- 4. Contribution amount is based on the trip generation rates shown in Table 4.1. If no rate is given, Council will determine a suitable rate based on traffic surveys, previous experience or accepted standards.*
- 5. Industrial development is levied a 33% surcharge to take account of road damage by heavy vehicles.*
- 6. Other uses not included in this table will be levied according to their traffic generation which is assessed at development application stage."*

Accordingly, in respect of Point 4 above, Council, at a minimum, requires a traffic analysis/survey in support of a request.

The applicant has not provided robust justification for Council to support the reduction of the determined Section 94 Roads Contribution in accordance with the Section 94 Plan, in particular (c) above. As such, the proposed modification is recommended for refusal.

#### **STRATEGIC ALIGNMENT**

The Dubbo 2036 Community Strategic Plan is a vision for the development of the City out to the year 2036. The Plan includes five principal themes and a number of strategies and outcomes. This report is aligned to the principal theme 'Our Place'. The key built and natural environment issues that will underpin the future development of Dubbo are environmental management, strategic land use planning, development control and landcare.



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**FINANCIAL IMPLICATIONS**

Any variation to the levied contribution will potentially impact on the funds collected under the Section 94 Roads Contribution Plan, which will in turn reduce the ability of Council to fund necessary urban road projects in the City without impacting upon General Fund revenue.

The originally calculated contributions rate for the subject development based on this Plan was \$147,584.00. Based on more detailed information from the applicant, this rate was recalculated with the issue of the consent to \$43,795.33. The applicant is now seeking a further reduction to \$299.97 which would be a variation to this Plan of \$147,284.03.

**POLICY IMPLICATIONS**

The submission included with the application fails to address the provisions of the Section 94 Plan. This Plan is a Policy of Council adopted as amended on 25 February 2008 to provide roads, traffic management and car parking needs for the period 2002-2016. While Council may consider a variation to the Contribution Plan, such a variation must be considered in accordance with the Plan to ensure that it is being applied fairly and transparently to all developments.

**RECOMMENDATION**

**That the proposed modification of Development Consent D2015-201 (2) pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, for the approved Indoor Recreation Facility at Lot 454 DP 704000, 18-30 Mountbatten Drive, Dubbo, requesting to reduce the Section 94 Urban Roads Contribution imposed as per Condition 3, be refused for the following reasons:**

- a. **That the proposed Modified Development Application failed to provide documented evidence sufficient to support a variation to Council's Section 94 Roads Contribution Plan (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979);**
- b. **That the proposed Modified Development Application is likely to result in detrimental economic impacts in the locality, due to reduced budgets to fund Council's Infrastructure projects in the Dubbo urban area (S79C(1)(b) Environmental Planning and Assessment Act, 1979); and**
- c. **That the proposed Modified Development Application is not deemed to be in the public interest (S79C(1)(e) Environmental Planning and Assessment Act, 1979).**

*Melissa Watkins*  
Director Environmental Services

**BACKGROUND**

Development consent (D15-201) was granted on 26 June 2015 for an Indoor Recreation Facility, specifically with the development being occupied by 'Flip Out' and consisting of the following:

- 416 m<sup>2</sup> main trampoline;
- 98 m<sup>2</sup> junior trampoline;
- 60 m<sup>2</sup> trampoline and foam pit area;
- 2 x party rooms;
- Construction of a new front entry door;
- Serving of pre-packaged food, pre-prepared food, drinks, coffee and hot food (i.e. pies).

In accordance with Council's adopted Section 94 Urban Roads Contributions Plan, contributions were subsequently imposed as a condition on the consent. Condition 3 reads as follows:

*"(3) Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$43,795.33 (116.8 trips) in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.*

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

*Note 1: Council's adopted 2014/2015 financial year rate is \$374.96 per commercial trip (including administration fee).*

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

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

The applicant subsequently made representations to Council regarding the contribution and was advised of the process for review and what is required for Council's consideration, as follows:

*"... a S96 Application to modify the consent..., be lodged. This would require you to provide a detailed traffic analysis prepared by a qualified traffic engineer to support such information."*



**Section 94 Calculation**

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

According to Table 4.1 of the Section 94 Urban Roads Contribution Plan, the best definition is considered to be 'Recreation – Gymnasium' which is assessed at a rate of 45 trips per 100 m<sup>2</sup> Gross Floor Area (GFA).

The subject tenancy (Tenancy 2) has a GFA of 984 m<sup>2</sup>.

Whilst the development is within the IN2 Light Industrial zone, the proposal was considered to be more aligned with a commercial use (which is a lower rate of 5/100 m<sup>2</sup> GFA) and therefore the commercial rate of \$374.96 per trip has been applied rather than the industrial rate of \$498.06 per trip. Note: The contribution rate quoted is for the 2014/2015 period.

The last approved use of the building was for a bakery (D84-112). Such a use would have incurred the rate of 'Factories covered by light industry', being five (5) trips per 100 m<sup>2</sup> GFA. It is considered that whilst other uses have occupied the site, such uses have not been approved by Council and therefore cannot be counted towards a more intensive credit for the purposes of contributions. It is noted that credits for this application will only apply over the area subject to this proposal.

The credit for the subject tenancy was therefore initially calculated as follows:

Credit: 
$$= (5 \text{ trips}/100 \text{ m}^2) \times 984 \text{ m}^2 = 49.2 \text{ trips}$$

The debit for the subject site utilises the rate for a gymnasium (i.e. 45 trips per 100 m<sup>2</sup> GFA).

Debit: 
$$\begin{aligned} &= (45 \text{ trips}/100 \text{ m}^2) \times 984 \text{ m}^2 \\ &= 442.8 \text{ trips} - 49.2 \text{ (Credit)} \\ &= 393.6 \text{ trips} \times \$374.96 \\ &= \mathbf{\$147,584.25} \end{aligned}$$

Instead of a detailed traffic study for the subject development, the applicant provided two (2) Parking and Traffic Impact Assessments prepared by Thompson Stanbury and Associates for two (2) separate developments consistent with the same use as this proposal (Flip Out).

A review of these reports has highlighted that similar sites were used to assess the parking impact and provided a breakdown of total traffic movements. The report referred to for reference with this application is for a proposed 'Flip Out' development at Maryville, a suburb of Newcastle. Such application undertook traffic and parking analysis of an existing Flip Out development in Campbelltown, Sydney. It is acknowledged that these reports were not prepared for the purposes of specifically calculating headworks contributions which require total daily trip rates but primarily for identifying off/on-street parking impacts.

Notwithstanding, reference was made to Table 3 of the Parking and Traffic Impact Statement prepared by Thompson Stanbury and Associates for the proposed Recreation Facility (Flip Out) at 56 The Avenue, Maryville which provides a summary of peak traffic generation for an existing Flip Out development at Campbelltown. The peak traffic generation over the times of 5 pm to 9 pm on a Friday and Saturday were 98 and 166 daily trips respectively. The approved operating hours of the subject development are 9 am to 10 pm Sunday to Thursday and 9 am to midnight Friday, Saturday and public holidays. Given the observed vehicle trips at Campbelltown were only over a limited time period, the higher rate of 166 daily trips was adopted.

To further clarify this position, the applicant advised that the proposal would generate 200 visitors per day. Guidance from the provided traffic assessments demonstrate that vehicle occupancy ranges from 2.5 to 4 people per vehicle. Therefore, based on 200/2.5 people per car equals 160 (80 each way) plus staff (staff numbers have not been provided with this application), which was assumed in the submitted reports as being between 5-8; 16 daily trips for staff. Therefore, using the worst case figures in this scenario, daily trips would be 176.

However, if the figure of three (3) people per vehicle is utilised as argued by the applicant in the most recent submission, 200/3 per car equals 133 (66.6 each way) plus 16 daily trips for staff, daily trips would be 149. Notwithstanding, the use of average occupancy per vehicle should be as a guide only given that variances between the two submitted reports (2.5 to 4) and the likely differentiation between the metropolitan and regional developments.

Additionally, a daily usage had previously been provided to Council by the applicant for the 'Flip Out' from when it was located at the Dubbo Showground. It is noted that this data has been provided by the applicant over a very short period of time with no documentation, methodology or justification as to how this data had been obtained. It is further noted that the data was provided to Council justifying car parking requirements on a per hourly basis, rather than daily trip rates. Such data is therefore considered to be unsuitable for calculating Section 94 Urban Road headworks contributions in accordance with the Plan.

Notwithstanding, considering the various scenarios discussed above, it was considered reasonable to accept 166 daily trips based on the actual traffic generated by the traffic consultants for the purposes of calculating daily trips under the Section 94 Urban Roads Contributions Plan. Accordingly, the contribution was calculated as follows:

$$\begin{aligned} &= 166 \text{ trips} - 49.2 \text{ trips (Credit)} \\ &= 116.8 \text{ trips} \times \$374.96 \\ &= \$43,795.33 \end{aligned}$$

Therefore, a contribution of \$43,795.33 (2014/2015 rate) was required for the Section 94 Urban Roads Contribution and included as Condition 3 on the development consent. This amount was subsequently paid to Council by the applicant.

The information provided by the applicant in support of the subject application to modify Condition 3 is attached here in **Appendix 1**.

REPORT

1. Proposed Modification

The proposed modification of development consent D2015-201 (2) was lodged with Council on 6 July 2015, seeking to reduce the value of the Section 94 Urban Roads Contribution imposed as stated in Condition 3 of the consent. A copy of the submission provided with the application is included in **Appendix 1**.

The reasons stated by the applicant in supporting correspondence dated 9 June 2015 (**Appendix 1**), to modify Condition 3, are as follows with comments provided:

1. *That for the purpose of the plan the facility has no accurate Land use as described in Table 4.1, Flip Out's predominate use is as an amusement facility designed to cater for the enjoyment of Children from when they walk until any age (largely 5yo to 25yo) and is not a gymnasium while classes are run to teach children to flip they constitute 5% to 8% of the business and health/weight loss classes have not been run at the Dubbo centre. (They may be offered in the future - at all centres where these are offered they generate less than 5% of the turnover).*

*For the purpose of the plan describing the development as a gymnasium while convenient is highly inaccurate."*

Comment:

The comments that *"for the purpose of the plan describing the development as a gymnasium while convenient is highly inaccurate"* and the fact that the land use categories in the Plan are not exhaustive are acknowledged. In this regard the Plan specifically states:

*"This Plan assumes particular land uses and traditional forms of development consistent with a wide range of urban forms. However, not all situations can be predicted and, from time to time, Council may receive applications which do not fit within these assumptions. Council may consider adjustment or waiver of Section 94 Contributions (either in full or in part) as they apply to individual applications."*

As such, the Plan has the flexibility to consider particular circumstances and thus the need for detailed analysis.

2. *Section 4.1.5 highlights the assumptions made regarding Dubbo's growth. The first dot point adopts a population growth of 30,470 over the life of the Plan which is out by almost 90% - the actual figure to December 2014 is a growth of 3,539. The Plan also assumes an additional 6,200 dwellings when in reality residential development is more likely to have been less than half of that predicted. The significance of this is emphasized in the second paragraph of 4.1.5 "Should population growth occur more slowly or quickly, it will mean the facilities will be required later or earlier than assumed in the Plan. Should these scenarios occur, a review of the Plan would be necessary." The discrepancy in these assumptions would have been apparent at least five years ago*

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*triggering a 'necessary' review of the Plan which has not occurred. It is believed the use of the Plan without review is untenable."*

Comment:

It is acknowledged that a review of such Plan is currently underway, involving staff from both Council's City Strategy Branch and Technical Services Division as reported separately.

The Dubbo City Council Section 94 Contributions Plan - Roads, Traffic Management and Car Parking commenced operation on 1 January 2005. The Plan provides an overall work schedule for roads of \$47,299,000 which includes the construction of new roads, significant traffic infrastructure and the provision of traffic facilities throughout various locations in the City to facilitate an overall population in excess of 60,000 persons.

The structure of the Plan is however, proportional in nature. This means that if the City grows at a slower rate than envisaged, the amount of development is less, the amount Council collects is proportionately less and therefore the works funded by the Plan are less. In principle, changing the population projections would require an associated change in estimates of development activity and therefore infrastructure works required which is not likely to significantly alter the value of individual contributions calculated under the Plan.

However, it is appropriate that the basic assumptions underpinning the Plan are reviewed from time to time and, in this context, it should be noted that Section 1.3 of the Plan details that a review of the Plan should be necessary should population growth occur more quickly or slower than anticipated in the Plan. Notwithstanding, the current Plan remains in force until repealed by Council and replaced by a revised plan.

The applicant provided the following additional information in regard to the 'Flip Out' patron numbers:

*"The '200 visitors per day' as advised in the letter of 2nd March 2015 in regard to D2015-92 was calculated during the school holiday's, soon after Flip Out's opening, which was a peak demand Saturday, so as to not underestimate Flip Out's off street parking requirements - not realising that in the absence of further information the figures supplied would be treated as Flip Out's average patron visitation for the purpose of calculating the required section 94 urban roads contribution we provide the following information."*

The applicant also provided justification for a reduction which includes patronage details of the 'Flip Out' development previously operating at the Dubbo Showground which is summarised as follows:

- The total number of participants during Flip Out's 141 days of operation at the Dubbo show ground was 10,586;
- Flip Out had 7.5% to 15% of Flip Out's customers walk to the facility;

- Flip Out's records indicate that between 10% and 15% of Flip Out's patrons purchased consecutive sessions and additionally during the second school term school groups of between 10 and 20 attended 3 to 4 times per week arriving in single buses - which shows the average daily patron visitation is 60 rather than the peak 200 which was advised for the purpose of maximum car parking requirements.
- Traffic generation for an existing Flip Out development at Campbelltown indicates that the average vehicle occupancy as surveyed at approximately 4 people per vehicle, Guidance provided by the 2 traffic assessments lodged demonstrate that vehicle occupancy ranges from 2.5 to 4 people per vehicle we argue that taking the 2.5 minimum into account for the purpose of trip generation is "unmerited" and that given the average of the traffic studies is arguably 3.25, we therefore submit that 3 would be a more equitable number for the purpose of the assessment.

Furthermore, the applicant has provided a breakdown of the contributions based on the data provided with this modified application, as follows:

*"Patrons = 10,586  
Mon to Fri Busses = 450  
Less 7.5% non-vehicle movements = 760  
Less 10% concurrent purchases = 937  
Total one way patron movements = 8,439  
Divided by 141 days = 60 (59.85)  
Divided by 3 people per car = 20 one way trips  
Total patron trips = 40*

*Due to the anticipated customer numbers, historical staff rosters and the design of the facility the staff number calculations of 5 to 8; indicating 16 daily trips for staff is overstated - Flip Out's historical staff levels indicate that a more accurate projection to be 2 to 5; indicating 10 daily trips for staff. So, using the worst case scenario figures of Flip Out's demonstrable figures, daily trips would be 50.*

*= 50 trips —49.2 trips (Credit)  
= .8 trips x \$374.96  
= \$299.97"*

Comment:

The applicant's argument has not provided sufficient substantiation in terms of patron numbers, buses, non-vehicle movements and concurrent purchasers in accordance with the requirements of the Plan and thus the use of these figures would be difficult for staff to justify when considering similar requests from other developers seeking a reduction in contribution rates.

The circumstances in which Council can consider a request for a review of the developer contributions are clearly stated in the Section 94 Urban Roads Contribution Plan, Section 3.6 *Flexibility in Imposition of Contributions* as follows:



*"Council may consider adjustment or waiver of Section 94 Contributions (either in full or in part) as they apply to individual applications.*

*(c) Where the applicant can demonstrate that the development ... generates demand at a lower quantum than the rates set out in part 4 of this plan."*

In addition, Section 1.4 of the Plan specifies the trip rates however the following notes are included in respect of the land uses:

*"Notes:*

- 1. Contributions are levied on the amount of traffic generated by development. That is, the number of vehicle "trips" that a development will generate on a daily basis.*
- 2. In order to determine the level of contribution payable for a proposed development, a pre-lodgement meeting with Council's Environmental Services Staff is recommended*
- 3. Residential housing includes semi-detached, townhouses, villas, etc.*
- 4. Contribution amount is based on the trip generation rates shown in Table 4.1. If no rate is given, Council will determine a suitable rate based on traffic surveys, previous experience or accepted standards.*
- 5. Industrial development is levied a 33% surcharge to take account of road damage by heavy vehicles*
- 6. Other uses not included in this table will be levied according to their traffic generation which is assessed at development application stage"*

With respect to point 4 above, Council would, as a minimum, require a traffic analysis/survey. This is the same level of requirement that has been applied to other development. Recent examples of this approach include developments in respect of the Milestone Hotel, Masters Hardware, Australian Wool Brokers, Blueridge Estate, Bunnings, childcare centres, Aldi, Village Hot Bake, former government building in Macquarie Street, storage units in Mountbatten Drive and is the same recommended approach that has been advised to the operators of Stones Throw Cafe and another cafe recently approved in Bultje Street.

The figures with the modified application provide too many estimations, have been undertaken by the benefitting party, with no evidence and therefore are not considered to be sufficiently robust to justify a further amendment to the determined contribution which would result in a reduction overall from \$147,584 to \$299.97.

Council's trip generation rates shown in Table 4.1 are based on studies undertaken by the Roads and Traffic Authority and, in most cases, known development types.

Traffic analysis seeking to reduce these trip generation rates to the requested extent is required to provide a robust analysis of traffic:

- Over an extended period of time;
- During different months of the year; and
- Carried out by a suitably qualified professional.

In the absence of a detailed traffic study for the subject development, the applicant instead provided two Parking and Traffic Impact Assessments prepared for two separate developments consistent with the same use as this proposal (Flip Out). These assessments were utilised by Council to reduce the original figure from \$147,584.00 to \$43,795.33. No additional justification has been provided at this stage to reduce the Section 94 Contribution further.

## **2. Section 96 Modification Legislation**

The Modified Application is pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979. The Modified Application requests that Council revises or waives the Section 94 Urban Roads Contribution from the reduced rate of \$43,795.33 to \$299.97. No other component of the development is proposed to be amended.

Section 96(1A) of the EP&A Act 1979 pertains to modifications to an approved Development Application involving minimal environmental impact. It states:

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

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

It was considered that the amendment would provide minimal environmental impact and is substantially the same development as the consent which was originally granted. Accordingly, Section 96(1A) was applied. Neighbouring landowners were not notified of this modified application due to the relatively minor nature of the modification however they

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were notified of the Part 1 application. During that submission period, no formal objections were received by Council.

The information detailed below provides an assessment of these areas of the development which will require assessment with Section 79C of the EP&A Act 1979, as is relevant.

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

**3. Legislative Requirements S79C(1)**

**(a) The provisions of Dubbo Local Environmental Plan 2011**

The subject property is zoned IN2 Light Industrial. The approval as an Indoor Recreation Facility is a permissible use in the IN2 Light Industrial zone. The approved land use is not being altered through this modification.

**(b) Likely impacts (natural and built environment, social and economic) of the development in the locality**

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

However, the proposed modification does present likely impacts to both economic and social aspects in the locality. Should Council approve the proposed modification there would be reduced funds in Council's Infrastructure Budget to carry out the necessary road works which cater for the continued development of the Dubbo urban area.

While noting the economic impacts, there may also be some indirect social impacts due to the reduced levels of spending on Council's Infrastructure projects.

**(c) Suitability of the site for the development**

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

**(d) Submissions**

Due to there being no physical change to the development as approved, neighbouring land owners were not notified of this application. It is noted that during the original application neighbouring land owners were notified. No submissions were received during the original submission period.

**(e) Public interest S79C(1)(e)**



**PLANNING AND DEVELOPMENT COMMITTEE  
20 JULY 2015**

**PDC15/27**

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

**SUMMARY**

The applicant seeks to amend Condition 3 Urban Roads Contribution of Development Consent D15-201 (2) for the approved Indoor Recreation Facility at Lot 454 DP 704000, 18-30 Mountbatten Drive, Dubbo,

The applicant has failed to provide justifiable reason for Council to support the reduction of the determined Section 94 Urban Roads Contribution as allowed by Section 3.6 of the Plan. As such, the proposed modification is recommended for refusal.

Appendices:

- 1 Submission from applicant dated 9 June 2015

The General Manager  
Dubbo City Council  
Church St  
Dubbo NSW 2830

9th June 2015

Dear Mark

While I have doubts around several other areas of the plan I have kept my comments to the 2 most significant. In regard to the Dubbo 2007 amended section 94 plan I make the following observations:

1. That for the purpose of the plan the facility has no accurate Land use as described in Table 4.1, Flip Out's predominate use is as an amusement facility designed to cater for the enjoyment of Children from when they walk until any age (largely 5yo to 25yo) and is not a gymnasium while classes are run to teach children to flip they constitute 5% to 8% of the business and health/weight loss classes have not been run at the Dubbo centre. (They may be offered in the future - at all centres where these are offered they generate less than 5% of the turnover).  
For The purpose of the plan describing the development as a gymnasium while convenient is highly inaccurate.

2. Section 4.1.5 highlights the assumptions made regarding Dubbo's growth the first dct point adopts a population growth of 30,470 over the life of the plan which is out by almost 90% - the actual figure to December 2014 is a growth of 3,539, the plan also assumes an additional 6,200 dwellings when in reality residential development is more likely to have been less than half of that predicted. The significance of this is emphasized in the second paragraph of 4.1.5 "Should population growth occur more slowly or quickly, it will mean the facilities will be required later or earlier than assumed in the plan. Should these scenarios occur, a review of the Plan would be necessary."  
The discrepancy in these assumptions would have been apparent at least 5 years ago triggering a "necessary" review of the plan which has not occurred, we believe the use of the plan without review is untenable.

The following additional information is supplied in regard to the Flip Out patron numbers for D2015-201 for the premises of Lot 454 DP704000, 18-30 Mountbatten Drive, Dubbo.

The "200 visitors per day" as advised in the letter of 2nd March 2015 in regard to D2015-92 was calculated during the school holidays, soon after Flip Out's opening, which was a peak demand Saturday, so as to not underestimate Flip Out's off street parking requirements - not realising that in the absence of further information the figures supplied would be treated as Flip Out's average patron visitation for the purpose of calculating the required section 94 urban roads contribution we therefore supply the following information.

The total number of participants during Flip Out's 141 days of operation at the Dubbo show ground was 10,586 which is an exaggerated indication of vehicle movements as during school holidays and weekends Flip Out had 7.5% to 15% of Flip Out's customers walk to the facility, further Flip Out's records indicate that between 10% and 15% of Flip Out's patrons purchased consecutive sessions and additionally during the second school term school groups of between 10 and 20 attended 3 to 4 times per week arriving in single busses - which shows the average daily patron visitation is 60 rather than the peak 200 which was advised for the purpose of maximum car parking requirements.

We further note That Table 4 of the Parking and Traffic Impact Statement prepared by Thompson Stanbury & Associates for the proposed Recreation Facility (Flip Out) at No. 56 The Avenue, Maryville, which provides a summary of traffic generation for an existing Flip Out development at Campbelltown indicates that the average vehicle occupancy as surveyed at approximately 4 people per vehicle, Guidance provided by the 2 traffic assessments lodged demonstrates that vehicle occupancy ranges from 2.5 to 4 people per vehicle we argue that taking the 2.5 minimum into account for the purpose of trip generation is unwarranted and that given the average of the traffic studies is arguably 3.25, we therefore submit that 3 would be a more equitable number for the purpose of the assessment.

Patrons	= 10,586
Mon to Fri Busses	= 450
Less 7.5% non-vehicle movements	= 750
Less 10% concurrent purchases	= 937
Total one way patron movements	= 8,439
Divided by 141 days	= 60 (59.85)
Divided by 3 people per car	= 20 one way trips
Total patron trips	= 40

Due to the anticipated customer numbers, historical staff rosters and the design of the facility the staff number calculations of 5 to 8, indicating 16 daily trips for staff is overstated - Flip Out's historical staff levels indicate that a more accurate projection to be 2 to 5, indicating 10 daily trips for staff. So, using the worst case scenario figures of Flip Out's demonstrable figures, daily trips would be 50.

= 50 trips – 49.2 trips (Credit)  
= 8 trips x \$374.96  
= \$299.97

Given the additional information, and the trip assumptions made on the Parking and Traffic Impact Statement prepared by Thompson Stanbury & Associates for the proposed Recreation Facility (Flip-out) at No. 56 The Avenue, Maryville which is a centre of 1,336sqmtr servicing a regional Newcastle population of over 500,000 it is reasonable to assume a population of 40,000+ would not generate more than 22% of the traffic movements of the Maryville development.

Regards

  
Jake Matthews  
On behalf of  
Dubbo Trading P/L

ORDINARY COUNCIL MEETING - 27 JULY 2015  
REPORT

**PDC15/27 D2015-201 (2) - INDOOR RECREATION FACILITY ('FLIP OUT'), 18-30 MOUNTBATTEN DRIVE, DUBBO - SECTION 96 REQUEST FOR MODIFICATION OF URBAN ROADS CONTRIBUTIONS**  
**APPLICANT: DUBBO TRADING PTY LTD (JAKE MATTHEWS)**  
**OWNER: S MAAS HOLDINGS PTY LTD AND R MAAS HOLDINGS PTY LTD (ID15/919)**

The Council had before it the report dated 14 July 2015 from the Director Environmental Services regarding D2015-201 (2) - Indoor Recreation Facility ('Flip Out'), 18-30 Mountbatten Drive, Dubbo - Section 96 Request for Modification of Urban Roads Contributions.

Moved by Councillor A Smith and seconded by Councillor J Walkom

**MOTION**

**That the information provided by the applicant be accepted as a reasonable argument for the purpose of demonstrating that the development generates demand at a lower quantum than the rate set out in Part 4 of the amended Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, and that the Section 94 Contribution in respect of D2015-201(2) be reduced to \$299.97.**

**CARRIED**



DUBBO REGIONAL  
COUNCIL

## REPORT: Chief Executive Officer Sponsorship Fund

**AUTHOR:** Chief Executive Officer  
**REPORT DATE:** 12 July 2018  
**TRIM REFERENCE:** ID18/1147

### EXECUTIVE SUMMARY

Council regularly receives requests to waive fees for use of facilities or services by charity or not-for-profit organisations. Under the delegations specified in Section 377 of the Local Government Act 1993, the waiving or negotiating of fees as adopted in Council's Revenue Policy is not a function that can be delegated to staff. Due to the high volume of these requests it is not considered feasible to bring all these requests to Council for consideration. It is therefore recommended to establish a Chief Executive Officer (CEO) Sponsorship fund which will allow the CEO an opportunity to refund amounts to charity or not-for-profit organisations for hiring of Council's services or facilities up to a value of \$1,000. Each organisation will be entitled to apply for sponsorship once per financial year and they will be required to pay the fee and will then be reimbursed that fee from this program. Multiple applications may be made by applicants throughout each year however only one approval will be granted per applicant each calendar year. Approval will be granted before any fee will be required to be paid by the applicant.

For transparency it is also recommended that any sponsorships provided under this program be reported to Council in June and December of each year.

### ORGANISATIONAL VALUES

Customer Focused: This fund will provide financial assistance to specified charity or not-for-profit organisations when requesting the hiring of facilities or services at the discretion of the Chief Executive Officer.

Integrity: Any assistance granted under this program will be reported to Council every June and December.

One Team: Not applicable.

### FINANCIAL IMPLICATIONS

That the sponsorship fund be funded from surplus funds identified in the June 2018 quarterly review.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That a Chief Executive Officer Sponsorship Fund of \$50,000 per annum be established to allow the Chief Executive Officer the ability to reimburse not-for-profit or charity organisations costs incurred by hiring Council facilities or using Council services to a maximum value of \$1,000.**
- 2. That applicants only be entitled to one successful application for sponsorship under this program per financial year**
- 3. That a report be provided to Council in June and December of each year detailing any sponsorships provided under this program.**

*Michael McMahon*  
Chief Executive Officer



DUBBO REGIONAL  
COUNCIL

## REPORT: Attendance at 2018 National Local Roads and Transport Congress

**AUTHOR:** Executive Manager Governance and  
Internal Control  
**REPORT DATE:** 6 July 2018  
**TRIM REFERENCE:** ID18/1131

### EXECUTIVE SUMMARY

A request has been received from Councillors V Etheridge and A Jones to attend the 2018 National Local Roads and Transport Congress to be held in Alice Springs, NT from 20 to 22 November 2018. Attendance at conferences is an important learning and networking opportunity for Councillors to expand their knowledge of relevant issues and to establish contacts to discuss matters with. Sessions that will be conducted at this year's Congress include: Implementing the National Freight and Supply Chain Strategy; Land Transport Market Reform; Technology is changing how we travel; Realising regional and industry benefits from Inland Rail; the Challenge of delivering Integrated Transport and Land-Use Planning; Sustaining our Regional Airports and Stepping up Safety on our Local Roads. The conference program is attached to this report as **Appendix 1**.

In accordance with Council's Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors, Clause 3.2 indicates that "attendance at conferences are to be approved by the Council with the Chief Executive Officer to approve attendances at seminars and conferences by staff". Accordingly, this request is now referred to Council for consideration.

### ORGANISATIONAL VALUES

Customer Focused: Attendance at the conference provides an opportunity for interested Councillors to expand their knowledge in this area.

Integrity: This request is in accordance with Council's Policy titled Payment of Expenses and Provision of Facilities for the Mayor and Councillors. This policy states that attendance at conferences must be approved by Council. (Clause 3.2)

One Team: No applicable.

### FINANCIAL IMPLICATIONS

Funding has been provided in the Governance budget to enable Councillors to attend conferences as approved by Council.

**POLICY IMPLICATIONS**

This request is in accordance with Council's Policy titled Payment of Expenses and Provision of Facilities for the Mayor and Councillors. This policy states that attendance at conferences must be approved by Council. (Clause 3.2)

**RECOMMENDATION**

**That approval be granted for Councillors V Etheridge and A Jones to attend the 2018 National Local Roads and Transport Congress to be held in Alice Springs, NT from 20 to 22 November 2018.**

*Michael Ferguson*

Executive Manager Governance and Internal Control

Appendices:

1 [↓](#) 2018 National Roads Congress Program





## CONFERENCE PROGRAM

### TUESDAY 20 NOVEMBER 2018

1.00pm	<b>OPENING ADDRESS</b> President, Australian Local Government Association
1.45pm	<b>GOVERNMENT ADDRESS</b> Deputy Prime Minister, The Hon Michael McCormack MP
2.15pm	<b>AFTERNOON TEA</b>
2.30pm	<b>KEYNOTE ADDRESS:</b> Integrating People, Land Use and Transport John Stanely, Institute of Transport and Logistics Studies, University of Sydney
3.00pm	<b>PANEL SESSION:</b> Stepping up Safety on our Local Roads Panellists: David Bobbermen, Austroads, Geoff Armstrong, Moruya Shire Council, TBA
4.00pm	<b>PANEL SESSION:</b> The Challenge of Delivering Integrated Transport and Land-Use Planning in Urban and Regional Contexts Panellists: Professor John Stanley
4.30pm	<b>DAY ONE CONCLUDES</b>
5.00pm 7.00pm	<b>WELCOME RECEPTION</b>

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**WEDNESDAY 21 NOVEMBER 2018**


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9.00am	<b>PANEL SESSION:</b> Implementing the National Freight and Supply Chain Strategy Panelists: Inquiry member Marika Cafas, Chief Executive Officer NSW Ports, Dr Hermione Parsons, CSCL Melbourne, Andrew Higgins, CSIRO, Naa Opuku, DIRDAC Taskforce
10.00am	Revising the Local Roads and Transport Policy Agenda - An Introduction President, Australian Local Government Association
10.30am	<b>MORNING TEA</b>
11.00am	<b>PANEL SESSION:</b> Sustaining our Regional Airports Panellists: Australian Airport Association, Regional Council(s) case study/ies, DIRC
12.00pm	<b>LUNCH</b>
1.00pm	<b>THE OUTBACK WAY PROJECT</b> - Australia's Longest Shortcut
1.30pm	<b>PANEL SESSION:</b> Land Transport Market Reform (including LG Asset Registers Work) Panellists: Cath Geiger, DIRDAC, Braden Hartcher, DIRDAC
2.30pm	<b>AFTERNOON TEA</b>
3.00pm	<b>PANEL SESSION:</b> Technology is Changing How We Travel Panellists: Russell Whale ARUP, Roland Pittar DIRDAC Technology Futures Task Force, TBC
4.00pm	<b>PANEL SESSION:</b> Realising Regional and Industrial Benefits from Inland Rail
4.30pm 5.00pm	<b>CLOSING ADDRESS</b>
6.30pm	<b>CONGRESS DINNER</b> Outback Quarry

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**THURSDAY 22 NOVEMBER 2018**


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8.30am	<b>TECHNICAL TOURS</b>
10.00am	



DUBBO REGIONAL  
COUNCIL

## REPORT: Draft - Complaint Management and Internal Ombudsman Policies

AUTHOR: Internal Ombudsman  
REPORT DATE: 9 July 2018  
TRIM REFERENCE: ID18/1134

### EXECUTIVE SUMMARY

This report recommends the adoption of the draft Complaints Management (**Appendix 1**) and Internal Ombudsman Policies (**Appendix 2**) that have been developed to provide Council officials, Council staff and members of the public with a transparent, practical, consistent and robust guide to managing complaints against Council services, employees or policies and procedures.

### ORGANISATIONAL VALUES

Customer Focused: The proposed policies have been designed to enhance community and customer confidence in Council, by providing guidance and transparent advice on how complaints are addressed by Council and the role of the Internal Ombudsman in this process.

Integrity: The draft policies align with Council's adopted Code of Conduct, accepted best practice and the principles of natural justice and procedural fairness.

One Team: A consultative approach has been taken to the drafting of these policies with the intention that both policies be equally applied throughout all areas of Council.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

This report proposes that the revised Complaint Management Policy replace the current and outdated Complaint Handling Policy. The Internal Ombudsman Policy is proposed as a brand new policy.

### RECOMMENDATION

1. That the draft Complaints Management Policy as attached to the report of the Internal Ombudsman dated 9 July 2018, be adopted.
2. That the draft Internal Ombudsman Policy as attached to the report of the Internal Ombudsman dated 9 July 2018, be adopted.

*Darren Keenan*  
Internal Ombudsman

## BACKGROUND

On 18 December 2017 Council carried a motion to establish an Internal Ombudsman position within Dubbo Regional Council. On the position being filled, it was immediately apparent the existing Complaints Handling Policy was outdated and generally lacked structure surrounding the management of complaints.

Consequently, the proposed Complaints Management Policy was drafted and is modelled on identified best practice, incorporating advice from the NSW Ombudsman providing for a practical, consistent and robust process in managing complaints.

An Internal Ombudsman Policy was drafted as an addition to the Complaints Management Policy that specifically outlines the role and scope of the newly established Internal Ombudsman and how the position operates within Council.

## SUMMARY

This report recommends that Council adopts the Complaints Management and Internal Ombudsman Policies.

Appendices:

- 1 [↓](#) Draft - Complaints Management Policy
- 2 [↓](#) Draft - Internal Ombudsman Policy



# COUNCIL POLICY

## COMPLAINTS MANAGEMENT POLICY

**Date**

**ESC Resolution Date**

**Clause Number**

**Responsible Position** Internal Ombudsman  
**Branch** Governance & Internal Control  
**Division** Executive Services  
**Version** 1.0  
**TRIM Reference Number**  
**Review Period** 3 years  
**Review Date** April 2021  
**Consultation** Endorsed Consultative Committee July 2018

Document Revision History	
Description	Date
This draft policy has been revised to give Council officials, Council staff and members of the public clear and transparent guidance on how Council addresses complaints of dissatisfaction with Council service, employees or policies and procedures.	April 2018
<b>Notes</b>	

## 1. INTRODUCTION

Dubbo Regional Council is committed to providing the highest levels of customer service and effective communication with customers and the local community. Council values customer feedback as it assists to identify areas of continuous improvement and enhance service delivery.

## 2. PURPOSE

This policy outlines Council's approach for responding to complaints in a timely, consistent and structured manner and seeks to develop a positive attitude towards complaints that allows for Council to reflect upon customer feedback and enhance service delivery where potential for improvements are identified.

This policy aims to deal effectively with and manage complaints from the community by:

- Demonstrating and promoting Council's commitment to customer satisfaction
- Acknowledging receipt of complaints in a timely fashion
- Ensuring that complainants are responded to in a courteous, fair, respectful and timely manner, without bias or fear of retribution
- Ensuring that all members of the community have access to information on how complaints will be dealt with by Council
- Educating staff in relation to complaint handling procedures and practices
- Monitoring feedback to improve existing services and facilities
- Identifying areas that need improvement or would benefit from enhancement
- Assisting in the planning and allocation of resources
- Affording complainants with a process of review, should they remain dissatisfied

### 1.1 BACKGROUND AND RELATED LEGISLATION

A comprehensive complaints management system is an essential part of providing a quality service in local government. It is a mechanism that allows Council to measure community satisfaction and provides a useful source of information and feedback for improving Council's services.

Complaint handling is also a key component of sound corporate governance and is fundamental to ensuring an appropriate level of accountability in the exercise of Council functions.

The following legislation and Council publications are related to this policy:

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*
- *Public Interest Disclosures Act 1994*
- *Government Information (Public Access) Act 2009*
- *Children and Young Persons (Care and Protection) Act 1998*

- *Child Protection (Working with Children) Act 2012.*
- Dubbo Regional Council's *Public Interest Disclosures Act 1994* – Internal Reporting Policy
- Dubbo Regional Council's Code of Conduct
- Dubbo Regional Council's Unreasonable Complainant Conduct (UCC) Policy
- Dubbo Regional Council's Privacy Management Plan

This policy is based on the customer satisfaction formula suggested by the NSW Ombudsman's Effective Complaint Handling Guidelines (2004) and the Australian Standard ISO 10002:2004, MOD, Customer Satisfaction – Guidelines for complaints handling in organisations.

Doing the job right the first time + Effective customer contact / complaint handling = Increased customer satisfaction / support

It is further informed by a best practice publication prepared jointly by the NSW Ombudsman and the Department of Local Government, entitled, 'Complaints Management in Councils – Practice Note No. 9, July 2009).

## 1.2 SCOPE

This policy applies to Councillors and officers of Dubbo Regional Council who deal with customers, members of the public, other agencies, service providers, community organisations or other members of staff.

## 1.3 RESPONSIBILITIES

All Council officials are required to comply with the provisions of this policy. Specific responsibilities are as follows:

### 1.3.1 Councillors

The elected Councillors have a responsibility to relay complaints to the Chief Executive Officer, for onward dissemination as appropriate, and to reinforce the principles of this policy to their constituents, members of the public and parties who may express a level of dissatisfaction with Council or the delivery of services.

### **1.3.2 Chief Executive Officer**

The Chief Executive Officer has a leadership role in demonstrating commitment to the effective resolution of complaints, and for promoting a culture that is receptive to the receipt of complaints, so that Council can improve on its service delivery.

If a complaint involves a concern that Council or a staff member has engaged in corrupt conduct, these should be referred to the Internal Ombudsman, Executive Manager (Governance and Internal Control) or the Chief Executive Officer. The Chief Executive Officer has a statutory duty to report to the Independent Commission Against Corruption (ICAC) any matter he or she suspects on reasonable grounds concerns may concern corrupt conduct.

### **1.3.3 Directors**

Directors are responsible for ensuring that staff, managers and Supervisors within their respective division, are aware of the requirements of this policy, and attend to any complaints expeditiously.

### **1.3.4 Managers, Supervisors and Team Leaders**

Managers, Supervisors and Team Leaders are responsible for investigating complaints that relate to their main business area, determining outcomes and recommending appropriate remedy. They are also responsible for educating their employees with regard to this policy and ensuring that complaints are responded to in a timely, courteous, fair and impartial manner with the complainant kept up to date with the progress and outcome of their complaint.

### **1.3.5 Employees**

Employees are required to respond to complaints and requests from customers in a courteous, fair and timely manner.

### **1.3.6 Internal Ombudsman**

The Internal Ombudsman is Council's complaints coordinator and is responsible for dealing with serious or difficult complaints which have been escalated to him/her as per the provisions of this policy.



The Internal Ombudsman is also responsible for investigating complaints that meet the assessment criteria of a Public Interest Disclosure or indicate that a staff member has seriously breached Council's Code of Conduct. The Internal Ombudsman has an obligation to investigate the conduct and actions of Council and Council staff in the case of possible corruption, misconduct, maladministration or unethical behaviour.

Further information can be found in the Internal Ombudsman Policy, *Council's Public Interest Disclosures Act 1994 (PID Act)* – Internal Reporting Policy, and the Code of Conduct.

## 1.4 DEFINITIONS

### 1.4.1 What is a Complaint?

A complaint is an expression of dissatisfaction with Council's policies, procedures, charges, employees, agents or quality of service, affecting an individual or group of customers. These complaints are considered general complaints, and are dealt with and resolved inside Council.

### 1.4.2 What is not a Complaint?

For the purpose of this policy, the following are not considered to be complaints:

- An initial request for works
- A complaint about an event, service or business, for which Council is not responsible
- A request for information or explanation of policies, procedures and decisions of Council
- A request for information regarding Council's assets or services
- An expression concerning the general direction or the performance of Council or its elected representatives
- Reports concerning neighbours, neighbour disputes, noise, dogs, unauthorised building work or similar issues that fall within the regulatory aspect of Council's service.
- An expression of disagreement with Council's policy, procedures or a lawfully made decision
- The lodging of an appeal or objection in accordance with a standard procedure or policy, for example a complaint about an approved development or draft policy or plan – unless this is recorded as a complaint against Council's decision making process.
- Reports of damaged or faulty infrastructure

Many of the issues above are called 'complaints' when a customer contacts Council. They are called complaints because a customer is unhappy about the situation and wants something done. To Council, however, the 'complaint' is a request for action. This terminology does not reduce the importance of the issue, nor does it change the actions Council will take. However, it does help Council differentiate between a complaint and a request so that the issue can be registered appropriately in Council's customer request tracking system (CRM).

In general, most 'true' complaints, as Council defines them, are about staff behaviour, quality of service, Council policy, or the outcome of a decision.

#### 1.4.3 Exceptions

This policy does not apply in circumstances where there is legislation covering the making of a complaint. For example:

- The making of, or a complaint assessed as, a Public Interest Disclosure under the *Public Interest Disclosures Act 1994*
- The making of applications for internal review of alleged breaches of privacy under the *Privacy and Personal Information Act 1998*
- The making of applications for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act)

Information on the above procedures is available from Council's website, or at Council's Customer Services Centre.

For complaints concerning Councillors, the Chief Executive Officer, corrupt conduct, child protection, pecuniary interests, public interest disclosures and competitive neutrality, please see Section 1.11 – Responding to special circumstances.

#### 1.4.4 Complaints that will not be investigated

Dubbo Regional Council may determine that a complaint will not be investigated where that complaint:

- is considered frivolous, vexatious or not made in good faith or concerns a trivial matter
- is a second request for service received within the service level timeframe
- involves a matter where an adequate remedy or right of appeal exists, whether or not the complainant uses the remedy or right of appeal
- where a matter is subject to existing mediation process
- private neighbourhood disputes
- relates to a decision of Council
- relates to a matter awaiting determination by the Council
- relates to matters already under investigation by the Minister for Local Government, the ICAC, the NSW Ombudsman's office, a Minister of the Crown or Government Department or the NSW Police Force
- relates to a matter before a court or tribunal
- relates to the appointment or dismissal of any employee or an industrial or disciplinary issue
- relates to the actions or conduct of private individuals, not contracted by Council
- involves a matter where the complainant declines or refuses to provide further information deemed necessary for action to be taken

- involves threats made against Council
- relates to a decision, recommendation, act or omission which is more than one year old

Should Council decide not to investigate a complaint, the complainant will be advised of the reason for the decision, and the decision will be registered on Council's records management system.

#### **1.4.5 Anonymous complaints**

Dubbo Regional Council encourages complainants to provide full contact information when lodging complaints.

In the event of an anonymous complaint, Council will determine whether the complaint will be investigated dependent upon the seriousness of the complaint, and provided there is sufficient information in the complaint to enable an investigation to be conducted.

An anonymous complainant cannot be provided with reasons for any decision made about their complaint.

### **1.5 CONFIDENTIALITY**

Dubbo Regional Council will not disclose the identity of a complainant, should the complainant request their details remain confidential.

That said, in some circumstances, it may not be possible for Council to safeguard the confidentiality of the complainant due to the circumstances of the complaint, and/or having regard to the principles of natural justice and procedural fairness. Should such a situation arise the complainant will be consulted prior to the disclosure of any identifying information and measures put in place to prevent the complainant experiencing any form of victimisation or retribution resulting from the complaint.

Dubbo Regional Council manages personal and private information collected by Council in accordance with Council's Privacy Management Plan, and the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

### **1.6 SAFEGUARDS AGAINST VICTIMISATION AND RETRIBUTION**

Allegations of victimisation and retribution as a result of lodging a complaint will be investigated by the Internal Ombudsman. If a complainant has been victimised or has been subjected to any form of reprisal action, as a direct result of raising a concern that has been treated as a Public Interest Disclosure, criminal penalties may apply. Please refer to the *Public Interest Disclosures Act 1994* (PID Act) – Internal Reporting Policy.

If a complainant experiences such behaviour they should lodge a complaint with the Internal Ombudsman, Executive Manager (Governance and Internal Control) or the Chief Executive Officer.

## 1.7 LODGING A COMPLAINT

Before lodging a complaint with Council, it is useful to ask yourself the following questions:

- What has Council or Council staff done wrong in this situation?
- Has Council or Council staff breached a law or policy which they have a duty to uphold?
- Has a process been applied unfairly or discriminatively?
- Has a Council officer done something that is against the law or could be a breach of Council's Code of Conduct?
- What is the outcome I am seeking?

When lodging a complaint, complainants should include details such as name, address and contact number, together with a concise and factual description of the complaint and the outcome sought.

Complaints may be lodged with Council:

- In Person

By attending Council's Customer Service Centre:

- Dubbo Office: Corner of Church and Darling Streets, Dubbo Regional Council
- Wellington Office: Corner of Nanima Crescent and Warne Street, Wellington

The Customer Service Centre is open 9am – 5pm Monday to Friday.

- By Telephone

Direct to Council's Customer Service Centre on (02) 6801 4000.

- In Writing

- Email: council@dubbo.nsw.gov.au
- Post: PO Box 81, Dubbo, NSW 2830
- Fax: (02) 6801 4259

- To a Councillor

If complaints are made to Councillors of Dubbo Regional Council, it will be the responsibility of the Councillor to ensure the matter is formally relayed to the Chief Executive Officer as soon as practicable after having received the complaint.

The Chief Executive Officer will refer the complaint to the relevant Director responsible for the area subject of complaint, to ensure that it is assigned to the relevant business area.

The Chief Executive Officer will refer the complaint to the Internal Ombudsman, if the matter falls within his or her area of responsibility.

- To the Internal Ombudsman

– Tel: (02) 6801 4000

– Email: [ombudsman@dubbo.nsw.gov.au](mailto:ombudsman@dubbo.nsw.gov.au)

Complaints can be made to the Internal Ombudsman in writing, marked for the attention of the Internal Ombudsman, via email, or completion of an online proforma on Council's website: <https://www.dubbo.nsw.gov.au/I-Want-To/Contact-Council/contact-the-internal-ombudsman>

Assessment of complaints lodged with the Internal Ombudsman will be subject to the Internal Ombudsman Policy.

**Where possible, complaints made in person or by telephone will be resolved at the initial point of contact. If this cannot be achieved, due to the nature of the complaint or because the complainant is dissatisfied with the action taken, it is Council policy that complaints are to be lodged in writing\* to ensure transparency in the complaint handling process and that all aspects of a complaint are reviewed and investigated in accordance with this policy.**

\* If complainants require assistance to lodge a complaint due to disability, emotional distress or are literacy challenged, they can be referred to Dubbo Neighbourhood Centre located at 1, 80 Gipps St, Dubbo (PH: 02 6882 2100) who will engage a relevant support service, at no cost, to assist and support the complainant throughout the complaint process.

## 1.8 SERVICE STANDARDS

Dubbo Regional Council aims to address and finalise all complaints within the following specified timeframes:

- Acknowledge the complaint within 3 working days by phone or email
- Record the complaint in Council's electronic document management system, HP Content Manager, on the same day the complaint is made
- Finalise the response to the complainant within 10 working days of receiving the complaint. If not possible, the complainant will be informed of this within 10 working days and an explanation provided as to why. A finalised response will be sent to the complainant within 20 working days, unless this is not possible. If this is not possible, the complainant will be advised in writing within 20 working days and will be given an expected timeframe for finalisation.

- All actions undertaken will be recorded in Council's records management system.

## **1.9 COMPLAINT HANDLING PROCESS**

### **1.9.1 Tier 1 – Frontline Complaints Handling**

Registration and attempted resolution by frontline staff. Complainants are encouraged to provide feedback and discuss their complaint with the officer who provided the service or who dealt with the issue, as this is more likely to result in a speedy resolution of the complaint.

A staff member receiving a complaint of a minor nature will, within the scope of their delegation, deal with the complaint at the time or refer it immediately to the appropriate Council officer, Manager or Supervisor who may be able to resolve the complaint on the spot.

If the complaint is against a Council staff member, the matter is to be referred to that person's Manager or Supervisor. Serious allegations or allegations of corruption, misconduct, maladministration or unethical conduct, the matter is to be referred to the Internal Ombudsman, or in his/her absence, the Executive Manager (Governance and Internal Control).

All complaints and any actions / resolutions must be recorded on Council's records management system on the same day and copied to the relevant Manager or Supervisor and the Internal Ombudsman for their information.

### **1.9.2 Tier 2 – Review**

If the complainant remains unsatisfied after speaking to or corresponding with the Council Officer who delivered the service or who dealt with the issue, or if they feel uncomfortable approaching the officer, they may lodge a complaint in writing which will be reviewed and assigned to a Director, Manager or Supervisor (as appropriate) for action in accordance with this policy. In the case of complaints made against specific staff members, the Director, Manager or Supervisor will inform the staff member of the complaint and give such person(s) an opportunity to respond to the allegation/s.

The only circumstance where staff won't be informed of allegations against them is if such allegations have been found to be unsubstantiated, or the complaint is frivolous, vexatious or not made in good faith.

### 1.9.3 Tier 3 – Escalation

Should the processes undertaken by the Director, Manager or Supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Director, Manager or Supervisor will refer the complaint to the Internal Ombudsman for further review in accordance with Council's Internal Ombudsman Policy.

### 1.9.4 Tier 4 – External Review - Referral

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, the complainant has the option of referring their concerns to an external agency, depending on which jurisdiction might be appropriate. Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the Office of Local Government or the Office of the Information Commissioner (Contact details are provided later in this policy).

### 1.9.5 Exceptions

Complaints will automatically be referred to the appropriate officer on the next tier, if:

- The complaint is about the staff member's **own conduct**
- A request to do so is made by the complainant
- The problem is clearly outside the staff member's delegation or area of expertise
- A staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct (these complaints are to be referred to the Internal Ombudsman)

When a complaint has been referred on, the complainant will be told the name of the person to whom it has been referred and advised that they can expect contact from this person within three working days.

## 1.10 POSSIBLE REMEDIES

Possible remedies may include;

- an apology where Council has made a mistake or where a Council Officer's comments or behaviour have offended
- provision of the desired service
- a refund of overcharged or incorrectly charged monies
- provision of more information about Council's policies and/or the decision making process including regular progress updates
- a commitment to investigate and/or review Council procedures or practices where a complaint is justified

- recommendation to refer the complaint to an external body where Council cannot resolve the matter to the satisfaction of the complainant
- any other remedy deemed appropriate by the Chief Executive Officer

## 1.11 RESPONDING TO SPECIAL CIRCUMSTANCES

### 1.11.1 Complaints Concerning Councillors

Complaints concerning Councillors of Dubbo Regional Council will be managed in accordance with Council's Code of Conduct and should be referred in the first instance to the Chief Executive Officer.

The Chief Executive Officer will discuss the matter with the Internal Ombudsman, who is Council's Complaints Coordinator to determine if the complaint is to be referred to Council's Conduct Reviewer/Review Committee and treated in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

### 1.11.2 Complaints Concerning the Chief Executive Officer

Complaints concerning the Chief Executive Officer will be managed in accordance with Council's Code of Conduct and should be referred in the first instance to the Mayor.

The Mayor will discuss the matter with the Internal Ombudsman, who is Council's Complaints Coordinator to determine if the complaint is to be referred to Council's Conduct Reviewer/Review Committee and treated in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

### 1.11.3 Complaints Concerning Public Interest Disclosures

Complaints concerning allegations of corrupt conduct, maladministration, serious and substantial waste of public money, contravention of the *Government Information (Public Access) Act 2009* or Local Government pecuniary interest contravention shall be referred immediately and directly to the Internal Ombudsman, Executive Manager (Governance and Internal Control) and/or the Chief Executive Officer.

Under Section 11 of the ICAC Act, the Chief Executive Officer has a statutory duty to report any matter that he or she suspects on reasonable grounds concerns corrupt conduct.

The reporting of such matters to ICAC will not delay or substitute reporting to NSW Police or any other authority, or impact upon any assessment by the Internal Ombudsman.

Complaints of such nature may be assessed as Public Interest Disclosures in accordance with the *Public Interest Disclosures Act 1994* (PID Act). Any complaints made or assessed as a PID will be managed in accordance with Council's *Public Interest Disclosures Act 1994* – Internal Reporting Policy.



#### 1.11.4 Complaints Concerning Child Protection

Dubbo Regional Council requires that suspicions or disclosures of harm against children must be acted on. Any child protection concerns must be reported in the first instance to senior management of the relevant work area and notification made as soon as practicable to the Chief Executive Officer and Internal Ombudsman. A mandatory report (under Section 27 and 27A of the *Children and Young Persons (Care and Protection) Act 1998*) may be made to the Department of Family and Community Services NSW following a preliminary investigation and approval from the Chief Executive Officer.

Any Council Officer who is investigated and found to have committed an offence against a child or young person will be taken to have breached Council's Code of Conduct and will be subject to disciplinary process and the requirements of *Child Protection (Working with Children) Act 2012*.

Any allegation of child abuse against an employee of Council will immediately be forwarded by Council's Chief Executive Officer to the NSW Ombudsman and/or NSW Police.

If a child is identified as being at imminent risk of harm, staff are to make an immediate report to Police by calling 000 and make notification in accordance with this policy immediately thereafter.

#### 1.11.5 Complaints Concerning Pecuniary Interests

All complaints relating to pecuniary interest matters will be forwarded to the Chief Executive Officer for referral to the Chief Executive of the NSW Office of Local Government. In consultation with the Internal Ombudsman, any pecuniary interest matter involving a staff member may be subject to investigation as a potential breach of the Code of Conduct.

Complaints concerning pecuniary interest matters are required to be assessed and investigated by the Chief Executive of the NSW Office of Local Government.

#### 1.11.6 Complaints Concerning Competitive Neutrality

Dubbo Regional Council supports the principles of competitive neutrality by ensuring that Council business operates without any net competitive advantages over other businesses as a result of its public ownership.

Council will receive and consider any complaint alleging that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

Any complaint of this nature received by Council will be managed in accordance with this policy and associated procedures.

## 1.12 UNREASONABLE COMPLAINANT CONDUCT

Dubbo Regional Council accepts that the process of making a complaint to an organisation can sometimes be difficult and distressing. It is acknowledged that this may result in difficulties in communicating concerns and distressed behaviour.

In a small percentage of cases, despite the best efforts of Council, it may be challenging to manage complainants whose conduct is unreasonable, and whose actions or motivations are unacceptable.

Council will treat all complaints with the utmost seriousness and will take reasonable steps to manage these situations, while fulfilling the obligation to provide its employees with a safe workplace and to ensure appropriate use of public resources.

Dubbo Regional Council reserves the right to put in place administrative controls to assist in the management of unreasonable, persistent and difficult complainants. Further information and guidance is contained with the Unreasonable Complainant Conduct (UCC) Policy. This policy is not intended to apply to complainants who are justifiably or understandably angry or upset because of an error on Council's part (whether real or perceived), or out of frustration with their dealings with Council or Council staff. It is intended to apply to complainants who exhibit unreasonable complainant conduct.

## 1.13 External Agencies

Agency	Nature of Complaint
<p><b>NSW Ombudsman</b></p> <p>Level 24, 580 George Street, SYDNEY NSW 2000</p> <p>Phone: 02 9286 1000 or 1800 451 524</p> <p>Fax: 02 9283 2911</p> <p>Email: <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a></p>	<p>Matters concerning maladministration</p>
<p><b>NSW Office of Local Government (OLG)</b></p> <p>Locked Bag 3015, NOWRA NSW 2541</p> <p>Phone: 02 4428 4100</p> <p>Fax: 02 4428 4199</p> <p>Email: <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a></p>	<p>Matters concerning serious Council misconduct or pecuniary interest matters</p>
<p><b>NSW Independent Commission Against Corruption (ICAC)</b></p> <p>Level 7, 255 Elizabeth Street, SYDNEY NSW 2000</p> <p>Phone: 02 9318 5999 or 1800 463 909</p> <p>Fax: 02 9264 5364</p> <p>Email: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a></p>	<p>Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official.</p> <p>The Chief Executive Officer is required to report suspected cases of corrupt conduct to the ICAC.</p>
<p><b>Anti-Discrimination Board</b></p> <p>Level 7/10 Valentine Avenue, PARRAMATTA NSW 2150</p> <p>Phone: 02 9268 5555 or 1800 670 812</p> <p>Fax: 02 9268 5500</p> <p>Email: <a href="mailto:complaintsadb@justice.nsw.gov.au">complaintsadb@justice.nsw.gov.au</a></p>	<p>Matters in relation to discrimination, disability and harassment</p>
<p><b>Australian Competition and Consumer Commission (ACCC)</b></p> <p>Level 20, 175 Pitt Street, SYDNEY NSW 2000</p> <p>Phone: 02 9230 9133</p>	<p>Competitive neutrality complaints</p>

Agency	Nature of Complaint
Fax: 02 9223 1092	
<b>Information and Privacy Commission (IPC)</b> Level 17, 201 Elizabeth Street, SYDNEY NSW 2000 Free call phone: 1800 INFOCOM (1800 463 626) Email: <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>	Breaches of the <i>Government Information (Public Access) Act 2009</i> (GIPA Act) Breaches of the <i>Privacy and Personal Information Protection Act 1998</i>

#### 1.14 Review

The Internal Ombudsman will conduct a review of Council's Complaint Management Policy every three years or otherwise on the commencement of a new Internal Ombudsman to ensure the processes are responsive and appropriate in addressing issues raised by complainants.

#### 1.15 Contact

Internal Ombudsman (policy matters) – 6801 4000.

### Complaints Flowchart

#### Tier 1 – Frontline Complaints Handling

Registration and attempted resolution by frontline staff. Complainants are encouraged to provide feedback and discuss their complaint with the officer who provided the service or dealt with the issue as this is more likely to result in a speedy resolution of the complaint.

A staff member receiving a complaint of a minor nature will, within the scope of their delegation, deal with the complaint at the time or refer it immediately to the appropriate Council officer, Manager or Supervisor who may be able to resolve the complaint on the spot.

If the complaint is against a Council staff member, matter to be referred to that persons Manager or Supervisor. Serious allegations or allegations of corruption, misconduct, maladministration or unethical conduct, the matter is to be referred to the Internal Ombudsman.

All complaints and any actions/resolutions must be recorded on Council's records management system on the same day and copied to the relevant Manager / Supervisor and Internal Ombudsman.



#### Tier 2 – Review

If the complainant remains unsatisfied after speaking to or corresponding with the Council Officer who delivered the service or who dealt with the issue, or if they feel uncomfortable approaching the officer, they may lodge a complaint in writing which will be reviewed and assigned to a more senior staff member, Manager or Supervisor for action in accordance with this policy.



#### Tier 3 – Escalation

Should the processes undertaken by the Manager or Supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Manager or Supervisor will refer the complaint to the Internal Ombudsman for further review in accordance with Council's Internal Ombudsman Policy.



#### Tier 4 – External Review

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, the complainant has the option of referring their concerns to an external agency, depending on which jurisdiction might be appropriate. Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the Office of Local Government or the Office of the Information Commissioner.



# COUNCIL POLICY

## Internal Ombudsman Policy

**Date**

**ESC Resolution Date**

**Clause Number**

**Responsible Position** Internal Ombudsman  
**Branch** Governance & Internal Control  
**Division** Executive Services  
**Version** 1.0  
**TRIM Reference Number**  
**Review Period** 3 years or on commencement of an Internal Ombudsman  
**Review Date** April 2021  
**Consultation** Endorsed Consultative Committee July 2018

Document Revision History	
Description	Date
This draft policy follows the establishment of an Internal Ombudsman at Council, and outlines the purpose and responsibilities of the Internal Ombudsman	April 2018
<b>Notes</b>	

## 1. PURPOSE

This policy is to be considered as an addition to Council's Complaints Management Policy and serves to outline the purpose and responsibilities of the Internal Ombudsman.

### 1.1 BACKGROUND

The Internal Ombudsman is Council's focal point for members of the community, staff, Councillors and other interested parties, should they have a complaint about suspected corruption, misconduct, maladministration by Council staff or Councillors, or if there is a perception that Council has acted in an unethical or partial manner.

The Internal Ombudsman will also independently assess and investigate the administrative processes of the Council or Council staff. In the event that a complaint may be received regarding the Mayor, Councillors or the Chief Executive Officer, the Internal Ombudsman is Council's Complaints Coordinator and has the delegation to handle such complaints in accordance with Office of Local Government's (OLG) Conduct Review Process.

Other major functions performed by the Internal Ombudsman include:

- Ensuring complaints in relation to Council or Council staff are impartially and objectively managed and investigated, in accordance with best practice, natural justice and the principles of procedural fairness.
- Progressively examining the way Council operates and making recommendations to improve accountability, transparency and fairness.
- Providing specialist advice, training and education to staff and management on ethical decision making, how to prevent and react to corrupt conduct, misconduct and/or other unlawful or unethical behaviour.
- Provide ad-hoc or written probity advice to staff; Councillors; or Council delegates.

The Internal Ombudsman cannot:

- act as a community advocate;
- influence, overturn or amend Council's operational and planning decisions; or,
- support any organisation or body, including Dubbo Regional Council.

### 1.2 RELATED LEGISLATION

- *Public Interest Disclosures Act 1994 (PID Act)*
- *Independent Commission Against Corruption Act 1988 (ICAC Act)*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009 (GIPA Act)*
- *Local Government Act 1993.*
- *Local Government (State) Award 2017*

### 1.3 SCOPE

This Policy applies to Dubbo Regional Council and to anyone who refers a complaint to Council's Internal Ombudsman.

All Council officials are to cooperate fully with the Internal Ombudsman during the conduct of any investigation being carried out, and must comply with any reasonable request of the Internal Ombudsman or associated staff in connection with an investigation.

### 1.4 DEFINITIONS

To assist interpretation of this Policy, the following definitions apply:

Term	Definition
Affected person	Any Council officer who the subject of a complaint
Code of Conduct	Council's adopted Code of Conduct
Confidentiality	The characteristic of information being disclosed only to authorised or entitled personnel or organisations in an authorised manner.
Corruption / Corrupt conduct	Within the meaning of section 8 of the <i>Independent Commission Against Corruption Act 1988</i> .
Council	Dubbo Regional Council.
Executive Manager	Executive Manager – Governance and Internal Control
Expert	A person appropriately qualified in a particular area and available to provide advice to the Internal Ombudsman as required.
Internal Ombudsman	The Internal Ombudsman, including any personnel conducting activities associated with, or on behalf of, the Internal Ombudsman.
Maladministration	As per the definition in the <i>Public Interest Disclosures Act 1994</i> .
Procedural Fairness	The rules or principles of natural justice, developed to ensure that decision making is fair and reasonable.

### 1.5 APPOINTMENT OF COUNCIL'S INTERNAL OMBUDSMAN

The Chief Executive Officer shall appoint a suitably qualified person to carry out the position in accordance with the duties required.



## 1.6 REPORTING

The Internal Ombudsman shall report directly to the Executive Manager – Governance and Internal Control. The Executive Manager / Chief Executive Officer shall receive and determine recommendations and consider their implementation within Council. The exception to this is when the Executive Manager and / or Chief Executive Officer has a conflict of interest in a matter, which he or she will be expected to disclose, at the earliest practicable opportunity after having been made aware of a matter. On such an occasion, the determination shall then be made by the Mayor.

If both the Chief Executive Officer and Mayor have, or are perceived to have, a conflict of interest then the matter shall be referred directly to the Deputy Mayor to address and determine the recommendations.

## 1.7 CONFIDENTIALITY

The Internal Ombudsman, every person carrying out duties in connection to an investigation conducted by the Internal Ombudsman, and any person who becomes aware of an investigation being carried out by the office of the Internal Ombudsman, shall maintain confidentiality in respect of all matters that come to their knowledge.

## 1.8 PROCESS

The Internal Ombudsman is responsible for the development and documentation of processes associated with the investigation and reporting of each matter.

## 1.9 JURISDICTION

The Internal Ombudsman may, on receiving a complaint, or on the Internal Ombudsman's own initiative, investigate;

- a) a decision or recommendation;
- b) an act done or omitted; or
- c) a procedure;

relating to a matter of administration or conduct of Council staff.

Council employees shall abide by the Internal Ombudsman's recommendations, once a recommendation has been accepted by the Chief Executive Officer. Nothing in these guidelines prevents Council officers from accessing their lawful rights to appeal under relevant legislation.

The Internal Ombudsman shall have the right to investigate any complaint or initiate any investigation without the need for any prior consent of any person or body against whom the complaint is made.

In the case of complaints made against specific Council officers, the Internal Ombudsman will inform them of the nature of the allegations and give such person(s) an opportunity to answer any allegations.

The only circumstance where staff won't be informed of allegations against them is if such allegations have been found to be unsubstantiated, if the Internal Ombudsman has determined not to investigate the matter, for one of the reasons stated below, or if the complaint is frivolous, vexatious or not made in good faith.

#### 1.10 INTERNAL REFERRALS TO INTERNAL OMBUDSMAN

**The role of the Internal Ombudsman does not absolve individual Directors, Managers or Team Leaders of their responsibilities in accordance with the Complaints Management Policy. Unresolved complaints initially managed as Tier 1 and 2 matters considered for Tier 3 escalation to the Internal Ombudsman, require every effort to be made in an attempt to resolve the matter in accordance with Council's complaint management policy.**

On referring a complaint to the Internal Ombudsman for review, the following will need to be provided;

- full circumstances of the complaint in writing
- all documentation and available evidence for review
- documented attempts made by Council to resolve the complaint
- reasons for escalation to the Internal Ombudsman.

Following a review of the matter, the Internal Ombudsman may;

- provide an independent assessment, advice or recommendation;
- provide general assistance; or,
- accept transfer of the complaint

When the Internal Ombudsman accepts transfer of a complaint, the following service standards will apply;

- Within five working days the Internal Ombudsman will acknowledge the complaint with the complainant and indicate whether preliminary inquiries will be undertaken.
- The Internal Ombudsman will provide feedback on preliminary inquiries to the complainant within 10 working days of receiving the complaint.
- If preliminary inquiries reveal evidence supporting the complaint, the matter may then progress to an investigation. The Internal Ombudsman will keep the complainant updated throughout the investigation process.
- At the conclusion of the investigation the complainant will be advised in writing of the outcome of the complaint, including any findings and recommendations made.

### 1.11 EXTERNAL AGENCIES

Lodging a complaint with Council's Internal Ombudsman does not preclude lodgement with external oversight and law enforcement agencies such as the police, ICAC, NSW Ombudsman, Office of Local Government or the Information and Privacy Commission.

However, if a matter has already been or is referred to and/or investigated by one of the external agencies, the Internal Ombudsman may refuse or cease to investigate the matter, or postpone determination until the outcome of an external investigation is concluded.

The Internal Ombudsman may refer a matter to the ICAC, should the matter indicate that there are reasonable grounds to suspect that corrupt conduct has taken or may be taking place, and may liaise with the ICAC regarding the progress of an investigation which may ensue.

### 1.12 REFERRAL BY COUNCIL

Council may refer to the Internal Ombudsman via the Chief Executive Officer a matter that is before Council for review, and the Internal Ombudsman shall, subject to any special directions of Council, review the matter within their jurisdiction and provide a report to Council.

### 1.13 QUESTIONS AS TO JURISDICTION

Where a question arises as to the jurisdiction of the Internal Ombudsman to investigate a matter, the Internal Ombudsman may discuss the matter with the Executive Manager / Chief Executive Officer.

### 1.14 REFUSAL TO INVESTIGATE

The Internal Ombudsman may refuse to investigate, or cease to investigate a matter where:

- a) a remedy or right of appeal, deemed adequate by the Internal Ombudsman, already exists, whether or not the complainant uses the remedy or right of appeal.
- b) the complaint, in the opinion of the Internal Ombudsman, is frivolous, vexatious or not made in good faith, or concerns a trivial matter;
- c) the complaint relates to a decision, recommendation, act or omission of which the complainant had knowledge for more than one year before making a complaint to the Internal Ombudsman;

- d) the complaint relates to a decision of the Council;
- e) the complaint relates to actions or conduct of the Chief Executive Officer, Mayor and/or Councillors, other than in an administrative capacity;
- f) the complaint relates to decisions of a standing committee of the Council;
- g) the complaint pertains to conduct relating to a matter before a court or a tribunal;
- h) the complaint relates to matters under investigation by the:
  - i Office of Local Government (OLG)
  - ii Independent Commission Against Corruption (ICAC)
  - iii NSW Ombudsman;
  - iv NSW Police
  - v Information and Privacy Commission (IPC)
- i) the complaint relates to the actions or conduct of private individuals, unless such persons were Council officers or Councillors at the time such conduct was alleged;
- j) senior Council staff have not had adequate opportunity to address the complaint;
- k) there is insufficient information available; or,
- l) the complainant declines or refuses to provide further information and/or there are threats made against Council, or an employee or officer of the Council.

#### **1.15 COMPLAINTS THAT ARE FRIVOLOUS, VEXATIOUS, TRIVIAL OR NOT MADE IN GOOD FAITH**

Where the Internal Ombudsman has declined to investigate a matter on the basis that it is frivolous, vexatious, trivial or not made in good faith, and the complainant continues to contact Council in relation to that matter, the Internal Ombudsman may provide recommendation to the Executive Manager / Chief Executive Officer for the complainant to be managed in accordance with the Unreasonable Complaint Conduct (UCC) Policy.

#### **1.16 REPORT OF DECISION NOT TO INVESTIGATE**

Where the Internal Ombudsman decides not to investigate, or to cease to investigate a complaint, the Internal Ombudsman will, in writing, inform the complainant and any other interested person of the decision, and reasons for the decision.

#### **1.17 ACCESS TO INFORMATION**

The Internal Ombudsman will have access to all relevant information upon which to conduct a fair investigation, and will not seek to access any irrelevant information. The actions of the Internal Ombudsman must be accountable and in accordance with the principles of natural justice and procedural fairness.

The Internal Ombudsman may enter and inspect any Council (business) premises and engage in conversations with persons; obtain or create records; make requests for information or records; and remove information or records from Council premises.

Employees retain the right to have a support person (mutually agreed with the Internal Ombudsman) present during any conversation with the Internal Ombudsman. The Internal Ombudsman may determine that it is not appropriate for a certain person to be present if they are implicated in a matter under investigation or otherwise might be compromised.

#### **1.18 RIGHT TO SILENCE**

All staff have a right to remain silent during investigations being conducted by the Internal Ombudsman.

#### **1.19 INVESTIGATIONS TO BE CONDUCTED IN PRIVATE**

An investigation by the Internal Ombudsman shall be conducted in private.

No simultaneous or parallel investigations are to be conducted into matters being investigated by the Internal Ombudsman.

#### **1.20 MEETINGS AND RIGHT TO BE HEARD**

The Internal Ombudsman may hold meetings, obtain information from any person and make such inquiries as the Internal Ombudsman considers necessary; and no person is entitled, as of right, to be heard by the Internal Ombudsman except in their own defence.

#### **1.21 REPORT ON INVESTIGATION**

Where, after completing an investigation, the Internal Ombudsman concludes, on the basis of an objective assessment, that a decision, recommendation, act, omission or procedure of an employee or employees of the Council:

- a) is contrary to law;
- b) is unjust, oppressive or improperly discriminatory;
- c) is based on a rule of law or practice that is unjust, oppressive or improperly discriminatory;

- d) is based in whole or in part on a mistake of law or fact or on an irrelevant ground or consideration;
- e) is related to the application of arbitrary, unreasonable or unfair procedure;
- f) was made without providing adequate reasons; or
- g) involves maladministration or misconduct of any kind,

the Internal Ombudsman shall provide a confidential written report, with reasons, to the Executive Manager / Chief Executive Officer.

#### **1.22 OPPORTUNITY TO MAKE REPRESENTATION**

Where it appears to the Internal Ombudsman that there may be sufficient grounds for making a report that may adversely affect the Council or a person, the Internal Ombudsman may request representations be made by the Executive Manager / Chief Executive Officer or any other person before the report is finalised. The request for this representation is at the discretion of the Internal Ombudsman.

#### **1.23 NATURE OF RECOMMENDATIONS**

In making a report, the Internal Ombudsman may recommend to the Executive Manager / Chief Executive Officer, that:

- a) a matter be referred to the Chief Executive Officer for further consideration;
- b) disciplinary action be considered;
- c) an omission or delay be rectified;
- d) a decision or recommendation by an employee or employees of the Council be revoked or varied;
- e) reasons be given by an employee or employees of the Council for a decision;
- f) a practice or procedure be altered;
- g) a statute, regulation or by-law be reconsidered;
- h) Council pay compensation to or otherwise recompense a complainant;
- i) Council provide a particular service;
- j) Council amend, or not impose, a charge or condition in relation to a particular service, application or consent;
- k) Council supply a good or service or undertake any necessary corrective or other work to resolve a complaint;
- l) Council make an appropriate correction, deletion or addition to a record; and/or,
- m) such other steps are taken as the Internal Ombudsman considers reasonable and just.

It is the Chief Executive Officer's responsibility to address recommendations made by the Internal Ombudsman and consider their implementation by Council. The exception to this is when a conflict of interest may occur by referring the matter to the Chief Executive Officer, in which case, the matter is referred to the Mayor.

If, for some reason, both the Chief Executive Officer and the Mayor are perceived to have a conflict of interest, then the matter is referred to the Deputy Mayor to address the recommendation(s).

Any report on a complaint that involves the Mayor, Chief Executive Officer or a Councillor, in relation to an alleged breach of Council's Code of Conduct, shall be treated in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

Council is required to record each recommendation made by the Internal Ombudsman; take appropriate action; and record what action has been taken by Council, by whom and when, for each recommendation made by the Internal Ombudsman.

Where a recommendation is made by the Internal Ombudsman, the Internal Ombudsman may request information regarding Council's action on previous report recommendations. If within a reasonable time after a request is made, no action is taken that is considered reasonable or appropriate, the Internal Ombudsman may escalate the matter for review.

#### **1.24 REPORT TO COMPLAINANT**

Where an investigation is made of a complaint, the Internal Ombudsman shall report the result of the investigation to the complainant, in such manner and at such time as the Internal Ombudsman considers appropriate.

#### **1.25 PUBLICATION OF REPORTS**

Where the Internal Ombudsman considers it to be in the public interest, or in the interest of a person or Council, the Internal Ombudsman may, with the endorsement of the Chief Executive Officer, make public a report relating generally to the performance of duties under these guidelines or to a matter investigated by the Internal Ombudsman, whether or not the matters in the report are the subject of a report to Council under these guidelines.

#### **1.26 REPORTS TO BE MADE PUBLIC**

Before making public a report that may damage the reputation of any person, the Internal Ombudsman will:

- a) Provide the draft or proposed report to the person or persons who are the subject of the Internal Ombudsman's report or identified in the report;
- b) Invite the person, or persons, to confirm the accuracy of relevant facts or matters in the draft or proposed report, or to indicate where, and in what respects, they regard any material as erroneous;



- c) Give the opportunity to the person or persons the subject of the report to provide a written response to the Internal Ombudsman's report and that response is to be made public with the report subject to the provisions of the relevant legislation such as the *Privacy and Personal Information Protection Act 1988*.

The Internal Ombudsman's final report shall contain no new material that has not been provided to the person or persons, subject of the report, allowing them to make a written submission under this clause.

#### 1.27 BREACH AND PENALTY

A staff member who wilfully and without justification:

- a) obstructs, hinders or resists the Internal Ombudsman or any other person in the performance of the functions and duties of the Internal Ombudsman under these guidelines;
- b) fails to comply with a reasonable request of the Internal Ombudsman or an employee or delegate of the Internal Ombudsman; or
- c) makes a false statement to, or misleads or attempts to mislead, the Internal Ombudsman or any other person in the exercise or performance of the functions and duties of the Internal Ombudsman under these guidelines,

will be guilty of a breach of these guidelines and may be subject to disciplinary action in accordance with Council's Code of Conduct and/or other relevant policies.

In such a case, the Internal Ombudsman will report such matters to the Chief Executive Officer in the final investigation report. The internal Ombudsman may make recommendations as to what action should be taken. The Chief Executive Officer will consider such recommendations and make a determination as to what action is to be taken. The Chief Executive Officer's determination will be in accordance with relevant HR policies.



## Internal Ombudsman

## FACT SHEET



### What does the Internal Ombudsman do?

The Internal Ombudsman is Council's focal point for members of the community, staff, Councillors (via CEO) and other interested parties, should they have a complaint about suspected corruption, misconduct, maladministration by Council staff or Councillors, or if there is a perception that Council has acted in an unethical or partial manner.

#### The Internal Ombudsman will:

- independently assess administrative processes of the Council or Council staff
- investigate complaints that meet the assessment criteria of a Public Interest Disclosure (allegations such as corrupt conduct, serious misconduct, maladministration, contravention of the *Government Information (Public Access) Act 2009*, or Local Government pecuniary interest contravention).
- ensure complaints in relation to Council or Council staff are impartially and objectively managed and investigated, in accordance with best practice, natural justice and the principles of procedural fairness.
- progressively examine the way Council operates and make recommendations to improve accountability, transparency and fairness.
- Providing specialist advice, training and education to staff and management on ethical decision making, how to prevent and react to corrupt conduct, misconduct and/or other unlawful or unethical behaviour.
- Provide ad-hoc or written probity advice to staff; Councillors; or Council delegates.

In summary, Internal Ombudsman has three core functions – prevention, education and investigation.

#### The Internal Ombudsman cannot:

- act as a community advocate;
- influence, overturn or amend Council's operational and planning decisions; or,

- support any organisation or body, including Dubbo Regional Council.

### How do I make a complaint to the Internal Ombudsman?

Before making a complaint you should take **all reasonable steps** to resolve the matter with Council (via Council's Complaints Management Policy) and allow a reasonable timeframe for a response to your concern or complaint. If after this period the matter has not been reasonably or appropriately resolved by Council, you may forward your complaint in writing to the Internal Ombudsman. Before lodging a complaint with the Internal Ombudsman, it is useful to ask yourself the following questions:

- What has Council or Council staff done wrong in this situation?
- Has Council or Council staff breached a law or policy which they have a duty to uphold?
- Has a process been applied unfairly or discriminatively?
- Has a Council officer done something that is against the law or could be a breach of Council's Code of Conduct?

Complaints can be made to the Internal Ombudsman in writing, marked for the attention of the Internal Ombudsman via Post to PO Box 81, Dubbo, NSW 2830; via email ([ombudsman@dubbo.nsw.gov.au](mailto:ombudsman@dubbo.nsw.gov.au)), or completion of an online pro forma on Council's website: <https://www.dubbo.nsw.gov.au/I-Want-To/Contact-Council/contact-the-internal-ombudsman>,

### What can the Internal Ombudsman investigate?

The Internal Ombudsman can investigate or refer for investigation matters including:

- Council administrative processes
- Any failure to comply with Council's Code of Conduct, policies or procedures
- Public Interest Disclosure allegations (poor administration, maladministration, corruption, or other alleged improper conduct by Council or Council Officials)
- Anonymous complaints if sufficient details are provided
- Matters referred to the Internal Ombudsman by the Chief Executive Officer or external agencies including but not limited to the following agencies: The NSW Independent Commission Against Corruption (ICAC), the NSW Ombudsman or Office of Local Government

### What can't the internal Ombudsman investigate?

The Internal Ombudsman is unable to investigate matters that:

- Do not concern Council's functions or business
- Require initial referral to external agencies such as NSW ICAC, NSW Office of Local Government, NSW Ombudsman or the NSW Police Force.
- Where adequate details of the complaint are not available
- Complaints that are frivolous, vexatious, not made in good faith, or are trivial in nature

**What does an investigation involve?**

A review and assessment of the matter, where consideration will be given to the seriousness, merit and priority. Following this:

- The complainant will have their complaint acknowledged within 5 business days
- Available records and information will be obtained and reviewed in relation to the issues raised
- Interviews with the relevant person(s) will be conducted
- A confidential report to the Chief Executive Officer will be prepared. This will include a review of the evidence available, determinations on the complaint and any recommendations on the matters investigated.
- A letter will be sent to the complainant detailing the results of the investigation, and any actions, if appropriate, and in accordance with relevant legislative / privacy requirements.

The Internal Ombudsman may refer matters to other bodies, internal or external to Council for investigation, due to the nature and/or urgency of the matter.

**All matters will be dealt with in a timely manner, however the timeframe for the completion of an investigation will be determined according to the priority of the matter and other work constraints of the Internal Ombudsman.**

**What outcomes can I expect from an investigation?**

If a report from the Internal Ombudsman finds that there has been an act or omission by a Council Official contrary to a policy or procedure and/or good administrative conduct, the Internal Ombudsman can recommend that specific appropriate action be taken.

It is the Chief Executive Officer's responsibility to address recommendations made by the Internal Ombudsman and consider their implementation within Council.

Council is required to record each recommendation made by the Internal Ombudsman, take appropriate action, and record what action has been taken by Council.

**What about my privacy?**

All parties to a matter investigated by the Internal Ombudsman are required to maintain confidentiality. The Internal Ombudsman is to ensure that enquiries are undertaken in private and in a secure location. Personal and private information is managed in accordance with Council's Code of Conduct and the NSW *Privacy and Personal Information Protection Act 1998*.

Council staff and Councillors are also bound by the confidentiality and privacy provisions of Council's Code of Conduct. A complainant's details will not be disclosed unless written consent from the complainant has been provided.

**Where can I get more information?**

More information is available via the Dubbo Regional Council Internal Ombudsman Policy. The

document outlines in greater detail the scope of the Internal Ombudsman, including who can make complaints, what types of complaints will be investigated and how these will be resolved.

To view, go to the Dubbo Regional Council website - <https://www.dubbo.nsw.gov.au/>



**REPORT: D2013-499 Part 4 - 145 Cobbora Road and 6 Pegasus Place, Dubbo. Validity of Developer Contribution Conditions.**  
**Applicant/Owner: Ryals Holdings Pty. Ltd.**  
**Consultant: J & M Cook Engineering**

**AUTHOR:** Manager Building and Development  
**REPORT DATE:** 10 July 2018  
**TRIM REFERENCE:** ID18/983

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**EXECUTIVE SUMMARY**

The Environmental Planning and Assessment Act, 1979 and the Local Government Act, 1993 both recognise the need for developments to offset impacts on public infrastructure and to ensure adequate infrastructure is in place to meet the future demands of users, without placing further stress on the land rating system.

Based on this principle, these Acts allow councils to levy developer contributions through a suite of adopted Section 64 and Section 94 Contributions Plan.

The proposed modified Development Application D2013-499 Part 4 was submitted to Council on 17 May 2018. The application stated that the proposed modification was a “*Challenge to the validity of Condition No’s 2, 3, 4, 5 & 6.*” Each of these conditions relate to Section 64 and Section 94 Developer Contributions imposed under the Local Government Act, 1993 and the Environmental Planning and Assessment Act, 1979 respectively.

The applicant originally provided no argument in support of the modification sought. Council provided the applicant, in correspondence dated 24 May 2018 (**Appendix 2**), with the opportunity to provide an argument. The applicant provided correspondence back to Council, dated 31 May 2018 (**Appendix 3**).

The argument or supporting comments provided by the consultant resulted in nothing of any substantive nature that would enable the variation of the applied contributions in a manner compliant with Council’s various Contributions Policies. As such, it is recommended that the proposed modification be refused.

**ORGANISATIONAL VALUES**

Customer Focused: The application as submitted has been assessed in a timely manner against the relevant legislation and Council policy.

Integrity: The Modification Application has been assessed against the requirements of Section 4.55 of the Environmental Planning and Assessment Act, 1979, as well as other relevant legislation and Council Policy.

One Team: The relevant Council officer has been involved in the assessment of the subject Modification Application.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

#### **RECOMMENDATION**

**That the proposed modified application D2013-499 Part 4 be refused on the basis that D2013-499(3) Condition No's 2, 3, 4 and 5 relating to contributions under Section 64 of the Local Government Act 1993 and Section 94 (now Section 7.11) of the Environmental Planning and Assessment Act 1979, have been correctly levied.**

*Darryll Quigley*  
Manager Building and Development

## 1. BACKGROUND

Development consent was granted for D2013-499 Part 1 on 27 October 2014 for the construction of the approved multi-dwelling housing and serviced apartment development (42 units).

The approval was amended on 20 August 2015 (Part 2), which included one (1) additional dwelling.

The Part 3 amendment permitted subdivision of the development prior to the construction of the approved multi-dwelling housing and serviced apartment development (43 units) and is dated 4 September 2017.

A similar request regarding Section 64 and Section 94 Contributions was made to Council approximately three (3) years ago, which included a number of Development Approvals including D2013-499, the subject of this report. A report (PDC15/25) was considered at the Planning and Development Committee meeting on 20 July 2015 and adopted at the Ordinary Meeting of Council on 27 July 2015.

The relevant points in the resolution was that the report be noted and that a formal Modification of Development Application in accordance with Section 96(1A) Environmental Planning and Assessment Act, 1979, be submitted for Council's consideration.

Note: Recent amendments to the Environmental Planning and Assessment Act 1979 include renumbering of Sections. What was formerly known as Section 96(1A) Modifications involving minimal environmental impact, is now known as Section 4.55(1A) Modifications involving minimal environmental impact. Similarly, what was formerly known as Section 94 has been renumbered as Section 7.11.

## 2. OWNER/APPLICANT

The owner of the subject land is Ryals Holdings Pty. Ltd.

The applicant for the proposed modification is Ryals Holdings Pty. Ltd.

The applicant has engaged J & M Cook Engineering to act as a consultant and contact person.

## 3. REPORT

The proposed modification of Development Consent D2013-499 Part 4 was submitted to Council on 17 May 2018. The application stated that the proposed modification was a "*Challenge to the validity of Condition No's 2, 3, 4, 5 & 6.*" (**Appendix 1**).

## Environmental Planning and Assessment Act 1979

### Section 4.55 Considerations

Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 pertains to modifications to a consented Development Application involving minimal environmental impact. It states:

- “A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
  - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
  - (c) it has notified the application in accordance with:*
    - (i) the regulations, if the regulations so require, or*
    - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
  - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.”*

It is considered that the proposed modification will result in negligible environmental impacts and is substantially the same development as the consent which was originally granted. Given the nature of the proposed modification (having no physical impacts) the proposal was not notified to adjoining owners and as such, no submissions have been received.

There are no issues raised under Section 4.15(1) of the Act with regard to Dubbo Local Environmental Plan 2011, Dubbo Development Control Plan 2013 and any other planning instrument, other than the ‘validity’ of the Contributions issued under Section 94 (now Section 7.11) of the Act and Section 64 of the Local Government Act 1993.

### Developer Contributions

The contributions imposed for the 43 multi-dwelling and serviced apartment development as contained in condition No’s 2, 3, 4, 5 and 6 are as follows:



- (2) Prior to the issue of the Occupation Certificate or Subdivision Certificate, whichever occurs first, the contribution by the developer of water supply headworks contributions for a sum of \$101,678.34 (18.66 ETs), calculated on a per dwelling basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Note 1: Council's adopted 2014/2015 financial year rate is \$5,449.00 per lot. Credits relating to the existing development onsite were applied to the contribution calculation.

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

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

- (3) Prior to the issue of the Occupation Certificate or Subdivision Certificate, whichever occurs first, the contribution by the developer of sewerage services headworks contributions in the sum of \$101,678.34 (18.66 ETs), pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Note 1: Council's adopted 2014/2015 financial year rate is \$5,449.00 per ET. Credits relating to the existing development onsite have been applied to the contribution calculation.

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

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

- (4) Prior to the issue of the Occupation Certificate or Subdivision Certificate, whichever occurs first, the contribution by the developer of urban roads headworks contributions of the sum of \$129,258.36 (231 trips) in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, Amendment No 1 adopted 25 February 2008.

Note 1: Council's adopted 2014/2015 financial year rate is \$559.56 per residential trip (including administration fee). Credits have been applied to the existing development onsite.

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

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

- (5) Prior to the issue of the Occupation Certificate or Subdivision Certificate, whichever occurs first, the contribution by the developer of Urban Stormwater Drainage Headworks for a sum of \$41,866.29 (41 lots plus 1.13587 hectares) in accordance with Council's adopted Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995. Such contribution is calculated on the subject site being located within 4.10 Racecourse Drainage Scheme Catchment.

Note 1: Council's adopted 2014/2015 financial year rate is \$8,812 per hectare plus \$777.00 per lot; credits have been applied to the existing development onsite. Credits relating to the existing development onsite and the proposed development on Lot 1 have been applied to the contribution calculation.

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

{Reason: Implementation of Council's Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995}

- (6) Prior to the issue of the Occupation Certificate or Subdivision Certificate, whichever occurs first, the contribution by the developer of a sum of \$123,581.88 (77.6 persons) in accordance with Council's Section 94 Contributions Plan - Open Space and Recreation Facilities, December 1998 (Amended June 2008).

Note 1: Council's adopted 2014/2015 financial year rate is \$1,592.55 per person (including administration fee), credits have been applied to the existing development onsite.

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

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

The application as submitted contained no supporting documentation or information other than the Application Form which included a statement that the proposed modification was a "Challenge to the validity of Condition No's 2, 3, 4, 5 & 6." (**Appendix 1**). While the statement was noted, it does not represent a substantive argument regarding the matter. As such, Council wrote to the applicant in correspondence dated 24 May 2018 (**Appendix 2**) and requested as follows:

*"It is customary that when seeking to modify a Development Consent, that the proponent would provide an argument to the consent authority. While it is noted that you have been in discussion with Council regarding this issue, it would be inappropriate for Council to compile the argument on your behalf.*

*As such, you are provided with the opportunity to forward to Council, your argument in support of the deletion or modification of Condition No's 2, 3, 4, 5 and 6."*

The applicant's consultant Mr Cook responded in correspondence dated 31 May 2018 (**Appendix 3**). Mr Cook refers to 15 emails dating back to 9 January 2018, including an email dated 7 May 2018 which was also apparently sent to the Councillors.

However, as stated in Council's correspondence dated 24 May 2018, it would be inappropriate for Council staff to extrapolate an argument from these emails on behalf of the applicant.

Mr Cook continues in his correspondence dated 31 May 2018 (**Appendix 3**) as follows:

*"In our Client's opinion, the urban Roads Contribution Plan is flawed almost in its entirety. It may not result from our Client, but sooner or later, a Developer in the future will challenge the legality of the existing adopted Urban Roads Contribution Plan in the Land & Environment Court and will almost certainly win, resulting in Council having to refund with interest many developers who have contributed based on that Plan."*

The following comments are provided in response:

- The Environmental Planning and Assessment Act, 1979 recognises the need for developments to offset impacts on public infrastructure and to ensure adequate infrastructure is in place to meet the demands of users. Based on this principle, the Environmental Planning and Assessment Act, 1979 allows council to levy developer contributions through an adopted Section 94 (now known as S7.11) Contributions Plan. Council's current S94 Urban Roads Contribution Plan was adopted by Council in 2005.

Mr Cook continues in his correspondence dated 31 May 2018 (**Appendix 3**) as follows:

*"In relation to the Contributions imposed on our Client they are as follows:-*

*Condition No 2, for the sum of \$98,953.84 being for Water Supply.*

*Condition No 3, for the sum of \$98,953.84 being for Sewerage.*

*Condition No 4, for the sum of \$125,901.00 being for Roads, Traffic Management and Car Parking.*

*Condition No 5 for the sum of \$41,089.29 being for Urban Storm Water Drainage.*

*Condition No 6 for the sum of \$121,033.80 being for Open Space and Recreation Facilities.*

*The total sum for Conditions 2 through to 6 is \$485,931.77."*

The following comment is provided in response:

- The stated contribution figures are dated and based on the original approval for 42 dwellings.

Mr Cook continues in his correspondence dated 31 May 2018 (**Appendix 3**) as follows:

*“The land owned now by our Client used to be owned by a Development Company known as Keenwale Pty Ltd who developed the subdivision which includes the roads of Pegasus Place, Furlong Street and Galloway Drive.*

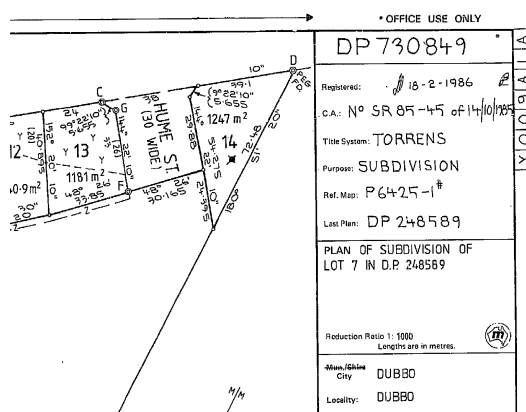
*It is my understanding that the Development Company paid for all of the service contributions in full and also donated a portion of land as a local park on the corner of Pegasus Place and the Dunedoo Road in lieu of providing Contributions for Open Space which I believe included the land in question and now owned by my Client.*

*The reason that I have this information is that I was one of the Directors of Keenwale Pty Ltd. I also designed the Subdivision, submitted the Development Application for the Subdivision and personally supervised the construction of the Subdivision. I therefore have an intimate knowledge of the land in question.”*

The following comments are provided in response:

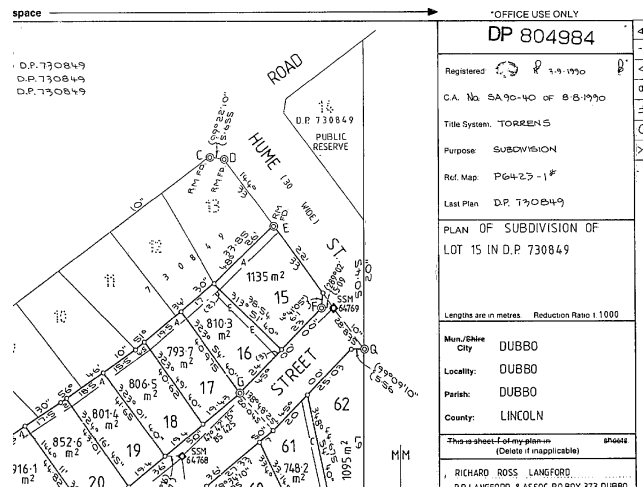
- The subject site has had a number of previous owners over the years, none of which include Keenwale Pty. Ltd. The subject site (lots 1 and 2) was a subdivision of Lot 24 DP 811060 approved 3 June 2003 under D2003-273, with the applicant Black as Black Pty., Ltd., and was registered 20 April 2006.

Mr Cook states that Keenwale Pty. Ltd., *“... also donated a portion of the land as a local park on the corner of Pegasus Place and Dunedoo Road in lieu of providing Contributions for Open Space which I believe included the land in question and now owned by my Client.”*



Lot 14 (park on the corner) was part of a subdivision as per SR1983-45 and registered 18 February 1986. It should be noted that the adjoining lots 1 and 2 (subject site) are located to the east of that subdivision and did not form any part of that subdivision. The deposited plan 730849 is provided above, with created Lot 14 located in the top right corner.

The residue portion of the above lot was known as Lot 15 (south-west), which was subsequently subdivided into 48 lots by Keenwale Pty., Ltd., as per D1990-40 dated 27 July 1990. Part of the deposited plan 804984 dated 3 September 1990 is shown below, noting that Lot 14 (top right corner) is now described as a 'public reserve'. Again, it should be noted that the adjoining lots 1 and 2 (subject site) are located to the east of that subdivision and did not form any part of that subdivision.



The evidence detailed above is contrary to the statements made by Mr Cook and as such, his argument is rejected.

Mr Cook continues in his correspondence dated 31 May 2018 (**Appendix 3**) as follows:

*“As our Client has lost many signed Contracts of Sale for properties under construction due to the attitude and stance of the previous Director of Environmental Services, totaling an estimated sum of some \$4 million, it is contended that it is only fair that Council as a Whole decide to waiver the total cost of the Head Works charges which is only some 8.23% or less than 10% of his incurred losses.*

*I would urge the Councilors to vote to waiver the total of the Head Works charges for this development on that basis. Our Client would still be incurring income losses of approximately \$3.5 million but would hope to make that up with possible future sales to alternate purchasers.*

*My Client has now been forced to re-finance the development as his original financiers have, over time, altered their financing process following the lapsing of his loan, which*

*has resulted in him having to organise alternate funding, also incurring financial penalties in the process."*

The following comments are provided in response:

- The final part of Mr Cook's argument (it is assumed on behalf of his Client) is spurious at best and defamatory at worse.

It should be further noted that the consultant has provided no argument at all with regard to Condition No's 2, 3 and 5 as to why they are invalid.

#### 4. SUMMARY

The proposed modified Development Application D2013-499 Part 4 was submitted to Council on 17 May 2018. The application stated that the proposed modification was a *"Challenge to the validity of Condition No's 2, 3, 4, 5 & 6."*

Council has a measured Developer Contributions System in place, which aims to ensure the correct balance is maintained in the maintenance and delivery of infrastructure required to facilitate development in the City without impacting land rates, fees and charges and ensuring continued economic development is maintained.

The applicant has provided no substantial argument to support the modified application and as such, Council's assessing officer can only recommend that the subject application be refused.

Appendices:

- 1 [↓](#) Modified Application Form
- 2 [↓](#) Council correspondence dated 24 May 2018
- 3 [↓](#) Correspondence from Applicant dated 31 May 2018

PO Box 81  
 DUBBO NSW 2830  
 P (02) 6801 4000  
 F (02) 6801 4259  
 E council@dubbo.nsw.gov.au



Parcel: .....  
 Related application/s: .....

PLANNING AND ENVIRONMENT DIVISION

**MODIFICATION APPLICATION**

To Modify a Development Consent and/or Construction Certificate (s96 and cl. 148) or  
 To Modify a Complying Development Certificate (s87)

The personal information that Council is collecting from you on this application form is personal information for the purposes of the Privacy and Personal Information Protection Act, 1998 (PPPIA). The supply of the information by you is not voluntary but is required by the Environmental Planning and Assessment Act, 1979 and in accordance with such Act and the Local Government Act, is required to be contained in a public register to which the public has a right of access. This personal information may be supplied under certain circumstances to other public sector agencies in accordance with the PPPIA. Enquiries may be directed to Council's Public Officer concerning the PPPIA, Council's Privacy Management Plan or your right to access/amend your personal information as by Council.

**Part 1 What is being modified?** Tick applicable box(es) below

- 1. A Development Consent; or
- 2. A Construction Certificate; or
- 3. A Complying Development Certificate

**Part 2 Original Consent/Certificate details**

- 4. What did the original Development Consent relate to? Multi dwelling & serviced apartments (42 units)
- 5. Development Consent No: D2013-499 (Part 3) Date of Consent: 21/10/2014
- 6. Construction Certificate No: C2013-499 (Part 3) Date of Certificate: .....
- 7. Complying Development Certificate No: CD..... Date of Certificate: .....

**Part 3 Site details**

- 8. Address 6 Pegasus Place  
Dubbo Postcode 2830
- 9. Land title description Lot(s) 1 & 2 Section .....
- These details can be obtained from a rate notice, title deed or Council record. Deposited Plan(s) 109 5947 Strata Plan .....
- Other ~~109 5947~~
- 10. Land owner details Name Tony Ryals

**Part 4 Applicant details**

- 11. Applicant's name Title Mr  Mrs  Miss  Ms
- If you represent a company, apply in the company's name Surname RYALS
- Given names TONY
- Name of company Ryals Holdings Pty Ltd
- Company contact person John Cook (0417 658624)
- 12. Your postal address c/o PO Box 500  
Dubbo NSW Postcode 2830
- 13. Your contact details Ph (02) 68828900 Mobile 0417 658624
- Email cookeng@hiway.com.au  
ryals@  
ryals.etab@gmail.com



**Part 5 Modification details**

14. Indicate the TYPE of modification (applicable for DAs only): (Tick one box only)
- (a) Minor - Relates to the correction of a minor error, misdescription or miscalculation. (s96 (1))
  - (b) The modification will have minimal environmental impact and is substantially the same development as that for which consent was originally granted. (s96 (1A))
  - (c) The modification is the subject of a requirement for concurrence or General Terms of Approval (Integrated) from an authority or approval body and is substantially the same development as that for which consent was originally granted. (s96 (2))
15. Will the modified development be substantially the same development as that for which consent was originally granted? (Applicable for both DAs and CCs)
- YES  
 NO - If no, a fresh Development Application is required to be lodged; the current consent cannot be modified.
16. Provide details and a description of the modification, including its extent and expected impact:  
*Challenge to the validity of Condition Nos 2, 3, 4, 5 & 6*

NOTE: If there is insufficient room on this form, please complete on a separate sheet and attach to this application.

17. Have associated plans and/or documentation been attached?  YES  NO

**Part 6 Signatures**

18. Are you the person to whom the current approval is granted? OR  
 Are you entitled to act on the current approval? OR  
 Are you the owner of the land? YES  NO  If no, please ensure Q19 is completed

19. **Owner's consent to lodge this application**  
 As owner of the property described hereon, I/we consent to the submission of this application and grant permission for Council officers to enter upon such property for the purposes of assessing this application and the performing of any associated and subsequent inspections.

If you are not the owner, the owner's consent to lodge this application must be obtained. This is a requirement of the Regulation.

Signature/s: *[Signature]*  
 Print name/s: TONY RYAN Date: 16/5/2018

20. **Applicant declaration**  
 Before signing this application, ensure you have completed all applicable questions.

I apply for Council's approval to modify the DA/CDC/CC described on this application in the manner detailed and declare that the information contained herein is to the best of my belief correct and complete. I understand that this application authorises Council officers to enter the subject land/buildings for the purposes of determining the application and any associated inspections.

Signature: *[Signature]*  
 Date: 16/5/2018

**OFFICE USE ONLY**

Application fee \$ ..... Date paid ..... Receipt no ..... Cashier .....

[Receipt Code: 400; Fee Type: DA - 400; CC - 401; Combined DA/CC - 400; CDC - \*\*\*]



D2013-499 Part 4  
Parcel 22853  
DTQ:DQ

24 May 2018

Ryals Holdings Pty Ltd  
C/- PO Box 500  
DUBBO NSW 2830



Dear Tony,

**MODIFICATION APPLICATION D2013-499(4)**

Approved Development: Multi-dwelling housing and serviced apartment development (43 units) and community title subdivision  
Property: Lots 1 & 2 DP 1095947, No.145 Cobbora Road Dubbo

I refer to the abovementioned Modification Application lodged with Council 17 May 2018, with regard to Condition No's 2, 3, 4, 5 and 6.

The application forms states that the proposal is to: "Challenge the validity of Condition No's 2, 3, 4, 5 & 6." The conditions relate to Section 64 and Section 94 (now 7.11) Contributions levy upon the approved development.

It is customary that when seeking to modify a Development Consent, that the proponent would provide an argument to the consent authority. While it is noted that you have been in discussion with Council regarding this issue, it would be inappropriate for Council to compile the argument on your behalf.

As such, you are provided with the opportunity to forward to Council, your argument in support of the deletion or modification of Condition No's 2, 3, 4, 5 and 6.

You are requested to provide this information to Council within fourteen (14) days of the date hereon.

If you have any enquiries in this matter, please do not hesitate to contact Council's Statutory Planning Services Team Leader, Darryll Quigley, during normal office hours, on 6801 4000.

Yours faithfully

*Stephen Wallace*  
Manager Building and Development Services

 All communications to: **CHIEF EXECUTIVE OFFICER**  
**ABN 53 539 070 928**  
PO Box 81 Dubbo NSW 2830  
**T** [02] 6801 4000 **F** [02] 6801 4259 **E** council@dubbo.nsw.gov.au  
Civic Administration Building Church St Dubbo NSW 2830  
**W** dubbo.nsw.gov.au

 **evocities**  
REGIONAL CITY LIVING

**The Acting Director**  
 Environmental Services Division  
 Dubbo Regional Council  
 PO Box 81  
**DUBBO, NSW, 2830**

Thursday, May 31, 2018

Your Ref:- D2013-499 Part 4  
 Parcel 22853  
 DTQ:DQ

Re:- Tony Ryals – Headworks Contributions

**ATTENTION:- MR STEPHEN WALLACE**

Dear Stephen,

In response to your correspondence dated 24<sup>th</sup> May, 2018, requesting our argument supporting the deletion of Condition Nos 2, 3, 4, 5 & 6, the following information is supplied or referenced.

I would refer you to the following correspondence provided to date:-

<u>Recipient</u>	<u>Date &amp; Time</u>	<u>Subject</u>	<u>Provided via</u>
Darryll Quigley	09/01/2018 10.37am	Condition Nos 2 – 6	2 page letter email attachment
Darryll Quigley	09/01/2018 10.34am	Urban Roads Contributions	4 page letter email attachment

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J. & M. Cook Engineering Services, Consulting Civil & Structural Engineers - Suite 1/20 Talbragar Street, Dubbo, NSW, 2830 - Phone (02) 68828900 - 3 lines - Fax (02) 68842816, Email - cookeng@hwy.com.au - Specialising in Residential, Commercial and Industrial Design, Soil Testing, Subdivision Design and Supervision, Environmental Impact Statements, Legal Reports & Insurance Reports.

Argument Ryals Modification Application.doc

**J. & M. COOK**  
**ENGINEERING SERVICES**

- STRUCTURAL AND CIVIL ENGINEERING
- DRAWING OFFICE

SUITE 1, FIRST FLOOR FINANCE HOUSE  
 20 TALBRAGAR STREET, DUBBO  
 ALL CORRESPONDENCE TO PO BOX 500 DUBBO 2830  
 PH. 02 6882 8900 FAX 02 6884 2816

J. & M. COOK ENGINEERING PTY LTD  
 A.B.N: 19 138 071 646 A.C.N: 138 071 646

EMAIL: cookeng@hwy.com.au

Your Ref:- D2013-499 Part 4  
Parcel 22853  
DTQ:DQ

<u>Recipient</u>	<u>Date &amp; Time</u>	<u>Subject</u>	<u>Provided via</u>
Darryll Quigley	12/01/2018 9.36am	Open Space Contributions	4 page letter email attachment
Darryll Quigley	31/01/2018 4.29pm	Urban Roads Contributions	5 page letter email attachment
Darryll Quigley	05/02/2018 4.06pm	Urban Roads Contribution Plan	19 page letter email attachment
Darryll Quigley	02/03/2018 12.36pm	Section 96 Urban Roads	2 page letter email attachment
Michael McMahon	01/02/2018 11.35am	Urban Roads Contributions	4 page letter email attachment
Michael McMahon	01/02/2018 11.40am	Urban Roads Contributions Lack of Nexus	5 page letter email attachment
Michael McMahon	05/02/2018 4.07pm	Urban Roads Contribution Plan	19 page letter email attachment
Michael McMahon	27/04/2018 2.09pm	Request to address council as a Whole	email
Michael McMahon	08/05/2018 11.49am	Lack of need for Section 96 Application as per DUAP Sheet	4 page letter plus DUAP Information Sheet Attachment Via email

Page 2

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Your Ref:- D2013-499 Part 4  
Parcel 22853  
DTQ:DQ

<u>Recipient</u>	<u>Date &amp; Time</u>	<u>Subject</u>	<u>Provided via</u>
Michael McMahon	18/05/2018 11.05am	Statement in relation to Government Agencies contacted	email
Michael McMahon Plus Mayor & Councilor J Ryan	15/03/2018 10.579am	Urban Roads Contribution Plan	email
Michael McMahon Plus Mayor & Councilor J Ryan	08/05/2018 10.579am	Request to provide reasons for requiring a Section 96 Application to Council	email

In addition to the above all of the Councilors have been provided with a copy of the 19 page letter (formatted to 14 pages) plus a 4 page letter dated May 7, 2018, outlining the emails sent to the Mayor & CEO plus an explanation as to why a Section 96 Application was not required.

It also outlined the losses incurred by our Client resulting from the actions by the then Director of Environmental Services and a request for the Councilors to waver the head works charges as a result of those losses. Also attached was the Information Sheet from DUAP outlining that there was no need for a Section 96 Application.

In our Client's opinion, the urban Roads Contribution Plan is flawed almost in its entirety. It may not result from our Client, but sooner or later, a Developer in the future will challenge the legality of the existing adopted Urban Roads Contribution Plan in the Land & Environment Court and will almost certainly win, resulting in Council having to refund with interest many developers who have contributed based on that Plan.

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Your Ref:- D2013-499 Part 4  
Parcel 22853  
DTQ:DQ

In relation to the Contributions imposed on our Client they are as follows:-

Condition No 2, for the sum of \$98,953.84 being for Water Supply.

Condition No 3, for the sum of \$98,953.84 being for Sewerage.

Condition No 4, for the sum of \$125,901.00 being for Roads, Traffic Management and Car Parking.

Condition No 5 for the sum of \$41,089.29 being for Urban Storm Water Drainage.

Condition No 6 for the sum of \$121,033.80 being for Open Space and Recreation Facilities.

The total sum for Conditions 2 through to 6 is \$485,931.77.

The land owned now by our Client used to be owned by a Development Company known as Keenwale Pty Ltd who developed the subdivision which includes the roads of Pegasus Place, Furlong Street and Galloway Drive.

It is my understanding that the Development Company paid for all of the service contributions in full and also donated a portion of land as a local park on the corner of Pegasus Place and the Dunedoo Road in lieu of providing Contributions for Open Space which I believe included the land in question and now owned by my Client.

The reason that I have this information is that I was one of the Directors of Keenwale Pty Ltd. I also designed the Subdivision, submitted the Development Application for the Subdivision and personally supervised the construction of the Subdivision. I therefore have an intimate knowledge of the land in question.

As our Client has lost many signed Contracts of Sale for properties under construction due to the attitude and stance of the previous Director of Environmental Services, totaling an estimated sum of some \$4 million, it is contended that it is only fair that Council as a Whole decide to waiver the total

Page 4

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Argument Ryals Modification Application.doc

Your Ref:- D2013-499 Part 4  
Parcel 22853  
DTQ:DQ

cost of the Head Works charges which is only some 8.23% or less than 10% of his incurred losses.

I would urge the Councilors to vote to waiver the total of the Head Works charges for this development on that basis. Our Client would still be incurring income losses of approximately \$3.5 million but would hope to make that up with possible future sales to alternate purchasers.

My Client has now been forced to re-finance the development as his original financiers have, over time, altered their financing process following the lapsing of his loan, which has resulted in him having to organise alternate funding, also incurring financial penalties in the process.

I also request that this explanation be included in full as part of the documentation of the Council Papers which are provided to the Councilors without alteration or exclusion.

Should you have any questions in regard to any of the above, please do not hesitate to contact our office for clarification.



**J. E. COOK**  
B. Sc. (Eng)  
M. I. E. (Aust)  
C. P. (Eng)

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Argument Ryals Modification Application.doc



## REPORT: Draft Policy - Dealing with Development Applications for Councillors and Employees

**AUTHOR:** Manager Building and Development  
**REPORT DATE:** 9 July 2018  
**TRIM REFERENCE:** ID18/1120

### EXECUTIVE SUMMARY

This report recommends the adoption of the revised draft Policy titled *Dealing with Development Applications for Councillors and Employees* (**Appendix 2**) that has been developed to avoid perceptions, whether real or otherwise, of bias in the assessment of development applications lodged by staff, Councillors or *family members* thereof.

The revised draft Policy differs from the publicly exhibited version (**Appendix 1**) only with regard to the inclusion of some additional clarifying definitions and layout changes from three (3) to five (5) sections, as stated below:

- Section 1 - Council employees generally;
- Section 2 - Development and associated staff (incorporating all staff in the Planning and Environment Division, staff with input to development application decision making and the Executive Leadership Team);
- Section 3 - Councillors;
- Section 4 - Director Planning and Environment, and Manager Building and Development Services; and
- Section 5 - Chief Executive Officer.

The original version of the Policy, with three (3) sections, contained the same categories of people, however it is deemed five (5) sections provides greater clarity.

Whilst determination processes for applications from Section 1 - Council employees, will remain largely unaffected, Sections 2, 3, 4 and 5 owners and/or applicants are proposed to be subjected to a higher level of third party scrutiny.

Section 2 – Development and associated staff (employees) are proposed to have ‘non-commercial development associated with the *Principal Place of Residence*’ applications assessed by an unrelated staff member and recommendation provided by Council’s Development Unit to the Chief Executive Officer for determination.

Development and associated staff (employees) are proposed to have all other development type applications, assessed and referred to an *independent assessor* for peer review with a recommendation provided to the Chief Executive Officer for determination.

Section 3 – Councillors are proposed to have ‘non-commercial development associated with the *Principal Place of Residence*’ applications, assessed and referred to an independent assessor for peer review with a recommendation provided to the Director of Planning and Environment for determination.

Councillors are proposed to have all other development type applications, referred to an independent assessor for assessment with a recommendation provided to the Director of Planning and Environment or the Chief Executive Officer for determination.

Section 4 – Director Planning and Environment, and the Manager Building and Development Services are proposed to have all development type applications, referred to an independent assessor for assessment with a recommendation provided to the Chief Executive Officer for determination.

Section 5 – Chief Executive Officer is proposed to have all development type applications, referred to an independent assessor for assessment with a recommendation provided to a full Council meeting for determination.

Other than section 1, it should be noted that persons identified in the Policy include *family members* of those persons, which is defined in the Policy.

To facilitate compliance with the Code of Conduct and to improve public perception of transparency and probity, the draft Policy (**Appendix 1**) was publicly exhibited for a period of not less than 28 days. Council received no submissions with regard to the draft Policy.

### **ORGANISATIONAL VALUES**

Customer Focused: The draft Policy will impact on the assessment timeframes for development applications submitted by Councillors and certain employees or family members thereof. It will however provide greater transparency and probity.

Integrity: The draft Policy aims to facilitate compliance with Council’s adopted Code of Conduct.

One Team: The entire organisation has been considered in the development of the draft Policy.

### **FINANCIAL IMPLICATIONS**

There will be costs associated with the implementation of the Policy if adopted, however it is not known at this stage how extensive these costs will be. Funding will need to be found from within existing budgets.

### **POLICY IMPLICATIONS**

This report proposes a revised Council Policy for consideration to replace the existing Management Policy – *Dealing with Development Applications for Councillors and Staff*.



**RECOMMENDATION**

**That the attached revised draft Policy, Dealing with Development Applications for Councillors and Employees (Appendix 2), be adopted.**

*Darryll Quigley*  
Manager Building and Development

## BACKGROUND

It has been previously identified that the current policy position of Council, or more specifically the Management Policy titled *Dealing with Development Applications for Councillors and Staff*, could benefit from incorporating enhanced probity and transparency provisions and being a formal, publicly exhibited Policy of the Council.

A report (CCL18/60) was considered by the Ordinary Council meeting 23 April 2018 including a redeveloped draft Policy. It was resolved:

1. *That the attached draft Policy, Dealing with Development Applications for Councillors and Employees (Appendix 1), be placed on public exhibition for a period of not less than 28 days.*
2. *That following public exhibition, a further report be submitted to Council for its consideration.*

The draft Policy was placed on public exhibition for a period of not less than 28 days, ending Wednesday 27 June 2018.

## REPORT

As stated in the previous report (CCL18/60) to the Ordinary Council meeting held 23 April 2018, Council has an adopted Code of Conduct that applies to all Councillors and staff. Of particular significance are the Code's requirements in respect to conflict of interest, personal dealings with Council, gifts and bribery, improper or undue influence, plus for staff, performing their respective responsibilities in evaluating and determining development applications.

To facilitate compliance with the Code of Conduct and to improve public perception of transparency and probity, the draft Policy (**Appendix 1**) was publicly exhibited for a period of not less than 28 days.

Whilst Council did not receive any submissions with regard to the publicly exhibited draft Policy (**Appendix 1**), some refinements have been undertaken with regard to the inclusion of some additional clarifying definitions and layout changes from three (3) to five (5) sections.

The revised draft Policy (**Appendix 2**), represents a robust and transparent protocol for the assessment and determination of a development application lodged by Councillors, Council employees or *family members* thereof.

In summary, the Policy proposes a risk-based approach that separates property owners and/or applicants into five (5) categories:

Section 1 - Council employees generally;

Section 2 - Development and associated staff (incorporating all staff in the Planning and Environment Division, staff with input to development application decision making and the Executive Leadership Team);

Section 3 - Councillors;

Section 4 - Director Planning and Environment, and Manager Building and Development Services; and

Section 5 - Chief Executive Officer.

Whilst determination processes for applications from Section 1 - Council employees, will remain largely unaffected, Sections 2, 3, 4 and 5 owners and/or applicants are proposed to be subjected to a higher level of third party scrutiny.

Section 2 – Development and associated staff (employees) are proposed to have ‘non-commercial development associated with the *Principal Place of Residence*’ applications assessed by an unrelated staff member and recommendation provided by Council’s Development Unit to the Chief Executive Officer for determination.

Development and associated staff (employees) are proposed to have all other development type applications, assessed and referred to an *independent assessor* for peer review with a recommendation provided to the Chief Executive Officer for determination.

Section 3 – Councillors are proposed to have ‘non-commercial development associated with the *Principal Place of Residence*’ applications, assessed internally and referred to an independent assessor for peer review with a recommendation provided to the Director of Planning and Environment for determination.

Councillors are proposed to have all other development type applications, referred to an independent assessor for assessment with a recommendation provided to the Director of Planning and Environment or the Chief Executive Officer for determination.

Section 4 – Director Planning and Environment, and the Manager Building and Development Services are proposed to have all development type applications, referred to an independent assessor for assessment with a recommendation provided to the Chief Executive Officer for determination.

Section 5 – Chief Executive Officer is proposed to have all development type applications, referred to an independent assessor for assessment with a recommendation provided to a Council for determination.

Other than section 1, it should be noted that persons identified in the Policy include *family members* of those persons, which is defined in the Policy.

It should be further noted that planning legislation may require the determination of certain development applications at various levels (eg. State Significant Development) or may require no approval at all (eg. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008). Council's Policy does not override these requirements.

In addition, it is proposed that the development application form be amended to include a declaration by an owner and/or applicant as to their relationship with Council (ie. being an employee or family member).

This report seeks Council's endorsement of the revised draft Policy (**Appendix 2**).

Appendices:

- 1 [↓](#) Exhibited draft Policy: Dealing with Development Applications for Councillors and Employees (dated 15 March 2018)
- 2 [↓](#) Revised draft Policy: Dealing with Development Applications for Councillors and Employees (dated 4 July 2018)



## COUNCIL POLICY

# Dealing with Development Applications for Councillors and Employees

<b>Date</b>	15 March 2018
<b>Council Resolution Date</b>	XXXX
<b>Clause Number</b>	
<b>Responsible Officer</b>	Stephen Wallace
<b>Position</b>	Manager Building and Development Services
<b>Branch</b>	Building and Development Services
<b>Division</b>	Planning and Environment
<b>Version</b>	One
<b>TRIM Reference Number</b>	ED18/47161
<b>Review Period</b>	Five (5) years
<b>Review Date</b>	Insert 5 years from date of adoption
<b>Consultation</b>	Public consultation required

Document Revision History
<b>Notes</b>
This Council Policy replaces the equivalent Management Policy titled <i>Dealing with Development Applications for Councillors and Staff</i> adopted 1 June 2009 and reviewed 19 September 2016.

## **POLICY**

### **PURPOSE**

1. To provide a transparent protocol for the determination of development applications lodged by Councillors, Council employees or family members thereof.
2. To facilitate compliance with Councils adopted Code of Conduct which requires in Clause 3.7 that council employees “..... avoid any occasion for suspicion of improper conduct in the development assessment process”.

### **BACKGROUND AND RELATED LEGISLATION**

- Environmental Planning and Assessment Act;
- Model Code of Conduct for Local Councils in NSW - November 2015.

### **SCOPE**

This Council Policy applies to development applications (and related modifications and Review of determinations) lodged by or on behalf of Councillors, Council employees or family members thereof.

### **DEFINITIONS**

*Development and associated staff* means any:

1. Employee of the Planning and Environment Division (excluding both the Director Planning and Environment, and the Manager Building and Development Services);
2. Employee of the Council who has qualitative/decision making dealings within the process of assessing and determining Development Applications;
3. Member of the Executive Leadership Team (excluding the Director Planning and Environment and the CEO);

and includes *family members* thereof.

*Development Unit (DU)* – The Development Unit is a multi-disciplinary committee comprised of staff from three (3) distinct Divisions, being Planning and Environment, Infrastructure and Operations, and Community and Recreation. One of the primary functions of the DU is to recommend the determination of complex applications following receipt of required referrals, reports and recommendations from the assessing officer.

*Family members* means any of the following:

- a spouse of the employee;
- a de-facto spouse (including same sex partners who lives with the employee as a de-facto);
- a child or an adult child (including adopted child, step child or foster child);
- parent (including a foster parent, step parent and legal guardian);
- parent of spouse;
- grandparent;
- grandchild or sibling (including half, foster and step sibling) and;
- a relative of the employee who is a member of the same household.

*Principal place of residence* means:

A property owned by *Development and associated staff* or a *family member* thereof, that is utilised as their main residence and relates to all domestic ancillary building structures.

**POLICY**

Council has adopted a Code of Conduct that applies to all staff and councillors. Of particular significance are the Code's requirements in respect to conflict of interest, personal dealings with Council, gifts and bribery, improper or undue influence as well as to staff in performing their respective responsibilities in evaluating and determining development applications.

To facilitate compliance with the Code of Conduct, the table below details the protocol for determination of a development application from an internal applicant/owner, based on the type of development.

It is the responsibility of individual staff and Councillors (or their *family members*) who are affected by Sections 2 or 3, to complete a declaration of conflict of interest where they are the applicant and/or owner in respect of the application and where relevant, whether the application relates to non-commercial development associated with the *Principal place of residence*.

Applicant/Owner	Development Activity Proposed	Minimum Required Level of Determination
<b>Section 1</b> Council employees generally (Excluding <i>Development and associated staff</i> , CEO; Director Planning and Environment, and Manager Building and Development Services).	All development applications	Determined under delegated authority (unless separate Council policy or legislation directs otherwise).

<p><b>Section 2</b> <i>Development and associated staff</i></p>	<p><b>Section 2.1</b> Non-commercial development associated with the <i>Principal place of residence</i>.</p> <p><b>Section 2.2</b> All other development types.</p>	<p><b>Section 2.1</b> Assessment undertaken by unrelated staff member and recommendation provided by the <i>Development Unit</i> to the CEO.</p> <p><b>Section 2.2</b> Application assessment referred to independent person for peer review with a recommendation provided to the CEO for determination.</p>
<p>Councillors*</p>	<p><b>Section 2.3</b> Non-commercial development associated with the <i>principal place of residence</i>.</p>	<p><b>Section 2.3</b> Application assessment referred to independent person for peer review with a recommendation provided to the Director Planning and Environment for determination.</p>
<p><b>Section 3</b> Councillors*;</p>	<p><b>Section 3.1</b> All other development types.</p>	<p>Application referred to independent assessor for assessment with a recommendation provided to the full Council for determination.</p>
<p>CEO*; Director Planning and Environment*; and Manager Building and Development Services*.</p>	<p><b>Section 3.2</b> All development types.</p>	

\*includes *family members* thereof.

**RESPONSIBILITIES**

The responsibility for implementing this policy is the Manager Building and Development Services.





## COUNCIL POLICY

# Dealing with Development Applications for Councillors and Employees

<b>Date</b>	4 July 2018
<b>Council Resolution Date</b>	XXXX
<b>Clause Number</b>	
<b>Responsible Officer</b>	Darryll Quigley
<b>Position</b>	Manager Building and Development Services
<b>Branch</b>	Building and Development Services
<b>Division</b>	Planning and Environment
<b>Version</b>	3
<b>TRIM Reference Number</b>	ED18/92166
<b>Review Period</b>	Five (5) years
<b>Review Date</b>	<b>Insert 5 years from date of adoption</b>
<b>Consultation</b>	Public consultation required

Document Revision History
<b>Notes</b>
This Council Policy replaces the equivalent Management Policy titled <i>Dealing with Development Applications for Councillors and Staff</i> adopted 1 June 2009 and reviewed 19 September 2016.

## **POLICY**

### **PURPOSE**

1. To provide a transparent protocol for the determination of development applications lodged by Councillors, Council employees or family members thereof.
2. To facilitate compliance with Council's adopted Code of Conduct which requires in Clause 3.7 that council employees "... avoid any occasion for suspicion of improper conduct in the development assessment process."

### **BACKGROUND AND RELATED LEGISLATION**

- Environmental Planning and Assessment Act, 1979; and
- Model Code of Conduct for Local Councils in NSW - November 2015.

### **SCOPE**

This Council Policy applies to development applications (related modifications and Review of Determinations) lodged by or on behalf of Councillors, Council employees or family members thereof.

### **DEFINITIONS**

*Councillors* - means a person elected or appointed to civic office, and includes a mayor.

*Development and associated staff* means any:

1. Employee of the Planning and Environment Division (excluding both the Director Planning and Environment (DPE) and the Manager Building and Development Services (MBDS));
2. Employee of the Council who has qualitative/decision making dealings within the process of assessing and determining Development Applications;
3. Member of the Executive Leadership Team (excluding both the DPE and the Chief Executive Officer (CEO));

and includes *family members* thereof.

*Family members* means any of the following:

- the spouse of the employee;
- the de-facto spouse (who lives with the employee as a de-facto);
- the child or an adult child (including adopted child, step child or foster child);
- parent (including a foster parent, step parent and legal guardian);
- parent of spouse;
- grandparent;
- grandchild or sibling (including half, foster and step sibling); and
- the relative of the employee who is a member of the same household.

*Development Unit (DU)* –The Development Unit is a multi-disciplinary committee comprised of staff from three (3) distinct Divisions, being Planning and Environment, Infrastructure and Operations, and Community and Recreation. One of the primary functions of the DU is to recommend the determination of complex applications following receipt of required referrals, reports and recommendations from the assessing officer.

*Principal place of residence* means - a property owned by *Development and associated staff* or a *family member* thereof, that is utilised as their main residence and relates to all domestic ancillary building structures.

*Independent assessor* means – a person with suitable tertiary planning/building qualifications and experience, not being an employee of Council and being a person with limited involvement in the development industry in the Dubbo Local Government Area.

#### **POLICY**

Council has adopted a Code of Conduct that applies to all Councillors and staff. Of particular significance is the Code's requirements in respect to conflict of interest, personal dealings with Council, gifts and bribery, improper or undue influence, as well as to staff in performing their respective responsibilities in evaluating and determining development applications.

To facilitate compliance with the Code of Conduct, the table below details the protocol for determination of a development application (related modifications and Review of Determinations), lodged by or on behalf of a *Councillor*, Council employees, *Development and associated staff* or *family members* thereof, based on the type of development.

It is the responsibility of individual Councillors and staff (or their *family members*) who are affected to complete a 'Declaration of Conflict of Interest' where they are the applicant and/or owner in respect of the application and where relevant, whether the application relates to non-commercial development associated with the *Principal place of residence* or other development types.

Applicant/Owner	Development Type	Required Level of Determination
<p><b>Section 1</b></p> <p>Council employees</p> <p><i>(excluding Development and associated staff, MBDS, DPE, CEO).</i></p>	<p><b>Section 1.1</b></p> <p>All development types.</p>	<p>Determined under delegated authority (unless separate Council policy or legislation directs otherwise).</p>
<p><b>Section 2</b></p> <p><i>Development and associated staff*</i></p>	<p><b>Section 2.1</b></p> <p>Non-commercial development associated with the <i>Principal place of residence</i>.</p> <p><b>Section 2.2</b></p> <p>All other development types.</p>	<p>Assessment undertaken by unrelated staff member and recommendation provided by the <i>Development Unit</i> to the CEO for determination.</p> <p>Assessment referred to independent assessor for peer review with a recommendation provided to the CEO for determination.</p>
<p><b>Section 3</b></p> <p>Councillors*</p>	<p><b>Section 3.1</b></p> <p>Non-commercial development associated with the <i>Principal place of residence</i>.</p>	<p>Assessment referred to independent assessor for peer review with a recommendation provided to the DPE or CEO for determination.</p>

Applicant/Owner	Development Type	Required Level of Determination
	<p><b>Section 3.2</b></p> <p>All other development types.</p>	<p>Application referred to independent assessor for assessment with a recommendation provided to the DPE or CEO for determination.</p>
<p><b>Section 4</b></p> <p>Director Planning and Environment* and Manager Building and Development Services*</p>	<p>All development types.</p>	<p>Application referred to independent assessor for assessment with a recommendation provided to the CEO for determination.</p>
<p><b>Section 5</b></p> <p>Chief Executive Officer*</p>	<p>All development types.</p>	<p>Application referred to independent assessor for assessment with a recommendation provided to a full Council meeting for determination.</p>

\* Includes *family members* thereof.

**RESPONSIBILITIES**

The responsibility for implementing this policy is the Manager Building and Development Services.



## REPORT: Draft Policy - Incomplete and Inadequate Development Application Management

**AUTHOR:** Manager Building and Development  
**REPORT DATE:** 9 July 2018  
**TRIM REFERENCE:** ID18/1121

### EXECUTIVE SUMMARY

This report recommends the adoption of the revised draft Policy titled *Incomplete and Inadequate Development Application Management* (**Appendix 2**) that has been developed to address the resource inefficiencies associated with applications requiring numerous amendments and the provision of further information.

The revised draft Council Policy differs from the publicly exhibited version (**Appendix 1**) only with regard to some minor grammatical and layout changes.

NSW Department of Planning and Environment's *Development Assessment Best Practice Guide* (March 2017) recommends that Council make a single request for further information of no more than 14 days. The revised draft Policy, giving consideration to the local context, proposes that Council make two (2) requests for further information from an applicant, of 21 days and 14 days respectively. Failure to provide the requested information will result in a determination based on the information submitted.

This is expected to streamline the assessment process by putting the responsibility of submitting complete applications with the applicant. Council will support the customer to achieve this by focusing on face to face and online pre-lodgement services.

The aim of this report is to advise that the draft Policy was placed on public exhibition for no less than 28 days, with no submissions received.

### ORGANISATIONAL VALUES

Customer Focused: The report proposes a streamlining of the assessment process through formalising and communicating the responsibility of an applicant to submit complete applications.

Integrity: The policy position proposed represents a best practice approach to development assessment and legislative compliance.

One Team: The entire organisation has been considered in the development of the revised draft Policy.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**POLICY IMPLICATIONS**

This report proposes a revised Council Policy for consideration to replace the existing Policy titled *Incomplete Development Applications*.

**RECOMMENDATION**

**That the attached revised draft Policy, *Incomplete and Inadequate Development Application Management* (Appendix 2), be adopted.**

*Darryll Quigley*  
Manager Building and Development

## BACKGROUND

Council has an adopted Policy, titled *Incomplete Development Applications*, which as its name suggests provides guidance to the community as well as to Council on how incomplete development applications will be handled.

Additionally, Council also has an internal procedure for requesting additional information once applications are lodged which is informally referred to as the 'Three Strikes' policy. This was not adopted by Council but rather endorsed by the former General Manager in 2002. This procedure specified as follows in respect of requesting additional information:

- First request: applicant provided with 21 days to respond;
- Second request: a further 14 days provided to respond;
- Third request: a further seven (7) days to respond and applicant advised that, otherwise the application will be assessed and determined based on the information as submitted.

A revised approach is proposed that combines the functions of the two (2) policies into a single Council Policy, providing transparency and certainty for the development industry as much as for Council. The Policy also responds to the relevant best practice procedures as detailed in the NSW Planning and Environment's *Development Assessment Best Practice Guide* (March 2017).

Noting the above, a report (CCL18/61) was considered at the Ordinary Council meeting 23 April 2018. The meeting resolved:

- *That the attached draft Policy, Incomplete and Inadequate Development Application Management (Appendix 1), be placed on public exhibition for a period of not less than 28 days.*
- *That following public exhibition, a further report be submitted to Council for its consideration.*

The draft Policy (**Appendix 1**) was placed on public exhibition for a period of not less than 28 days ending Wednesday 27 June 2018. Council did not receive any submissions with regard to the publicly exhibited draft Policy.

## REPORT

It is recognised that the handling of incomplete or inadequate applications that require several amendments and the provision of further information, requires significant resources to manage. This impacts not only on the perceived processing time of the subject application but on the resources available to assess all other applications.



Council has in the past, loosely applied a combination of the Council Policy, titled *Incomplete Development Applications* and the internal procedure for requesting additional information (informally referred to as the 'Three Strikes' policy) to manage deficient development applications in the form of rejecting, refusing or seeking further information. In retrospect the leniency shown to deficient development applications has not encouraged the submission of complete, well researched applications, to the detriment of the efficiency of the process overall.

The revised draft Council Policy titled *Incomplete and Inadequate Development Application Management (Appendix 2)* has been developed that incorporates:

- Council's adopted Policy, titled *Incomplete Development Applications*;
- A modified version of Council's internal procedure for requesting additional information - informally referred to as the 'Three Strikes' policy; and
- The intent of the relevant best practice procedures as detailed in the NSW Planning and Environment's *Development Assessment Best Practice Guide* (March 2017).

NSW Planning and Environment's *Development Assessment Best Practice Guide* (March 2017) recommends as follows:

*"Council should give no more than 14 days to an applicant to respond to Stop the Clock correspondence."*

'Stop the Clock' correspondence is essentially a formal request for further information. The Guide goes on to recommend that:

*"Where applications have unresolved issues or concerns at this late stage in the process with no immediate view of resolution, applicants should be encouraged to withdraw the DA or be advised that a decision will be made on the information before council at that time."*

Whilst staff are aware that metropolitan councils in particular are adopting the above recommendation (Northern Beaches Council has even exceeded the recommendation, adopting a policy of assessing and determining only what is submitted in the original application), it is felt that a more reasonable and customer focussed approach for Dubbo Regional Council is to refine the current 'Three Strikes' procedure. As a result the Policy as proposed recommends:

*That Council only make two (2) requests for further information from an applicant subject to the following timeframes:*

- *First request: applicant provided with 21 days to respond; and*
- *Second request: a further 14 days provided to respond.*

*Failure to provide the requested information will result in a determination based on the information submitted.*

This is expected to streamline the assessment process by putting the responsibility of submitting complete applications with the applicant. Council will support the customer to achieve this by providing the following pre-lodgement services:

- Access to expert advice from duty officers at the Dubbo and Wellington Customer Service Centres;
- A checklist to complete before lodging applications (providing details on what information is required for Council to undertake its assessment);
- A formal pre-lodgement meeting for more complex applications that provides written advice;
- Electronic access to all Local Environmental Plans and Development Control Plans on Council's website; and
- Once an application is lodged, public access through Council's website to the application to track its progress via Application Tracker.

The Policy also makes reference to the Environmental Planning and Assessment Regulation, 2000, clause 51 Rejection of development applications. Stating that Council will reject development applications which do not meet the legislated criteria, including an application which is "*... illegible or unclear.*"

This report seeks Council's endorsement of the revised draft Policy (**Appendix 2**).

Appendices:

- 1 [↓](#) Exhibited draft Policy - Incomplete and Inadequate Development Application Management (dated 11 April 2018)
- 2 [↓](#) Revised draft Policy - Incomplete and Inadequate Development Application Management (dated 5 July 2018)



DUBBO  
REGIONAL  
COUNCIL

## COUNCIL POLICY

### Incomplete and Inadequate Development Application Management

**Date** 11 April 2018

**Council Resolution Date** XXXX

**Clause Number**

**Responsible Officer** Stephen Wallace

**Position** Manager Building & Development Services

**Branch** Building & Development Services

**Division** Planning and Environment

**Version** One

**TRIM Reference Number** ED18/47778

**Review Period** Five (5) years

**Review Date** Subject to date of adoption by Council

**Consultation** Public consultation required

Document Revision History	
Description	Date
This Policy aims to facilitate the efficient assessment of all applications for development under the Environmental Planning and Assessment Act 1979, by communicating how Council will manage applications.	11 April 2018
<b>Notes</b>	
This Council Policy replaces the equivalent Council Policy titled <i>Incomplete Development Applications</i> adopted 26 April 2005 and reviewed 16 September 2016.	

## **POLICY**

### **PURPOSE**

The delivery of a consistent, equitable and efficient development assessment service, which is only possible when applications are submitted with the required information so that an informed, proper and timely assessment can be made of the application.

The handling of incomplete or deficient applications that require several amendments and the provision of further information, requires significant resources to manage. This impacts on the processing times for all other applications.

This Policy is designed to outline the principles of dealing with unclear, illegible, grossly non-compliant, deficient applications and to encourage the lodgement of good quality applications.

Council is committed to an efficient, consistent and effective application assessment service which benefits the majority of applicants that submit quality and complete applications.

### **BACKGROUND AND RELATED LEGISLATION**

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Local Government Act 1993; and
- Development Assessment Best Practice Guide (2017).

### **SCOPE**

This Policy applies to the lodgement and assessment of all development applications, modifications and review of determinations submitted to Dubbo Regional Council.

### **POLICY**

To ensure a consistent, equitable and efficient development assessment service, the following actions will be applied by Council:

- Applicants will be encouraged to discuss proposals with Council prior to lodgement to ensure the application is complete and can be assessed;
- Council commits to providing clear and consistent pre-lodgement advice;
- Council commits to addressing issues with applicants in a timely and efficient manner;
- Council will reject incomplete development applications – an incomplete application is an application that fails to provide the information required by Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation;
- Council will reject development applications that are unclear or illegible;
- Council will generally only make two (2) requests for further information from an applicant subject to the following timeframes:
  - First request: applicant provided with 21 days to respond;
  - Second request: a further 14 days provided to respond;Failure to provide the requested information will result in a determination based on the information submitted. Council may however consider requests for an extension to these timeframes subject to the particular circumstances of the case;

- Applicants will be requested to withdraw incomplete and inadequate applications. A refund of a portion of the fees may be offered based on Council's costs to that point;
- Failure to withdraw applications will result in a determination based on the information submitted; and
- Applicants have the opportunity to seek a review of the determination under Sections 8.2 to 8.5 of the Environmental Planning and Assessment Act if they are not satisfied with the outcome.

**RESPONSIBILITIES**

Manager Building and Development Services is responsible for the implementation of this Policy.

DRAFT



DUBBO  
REGIONAL  
COUNCIL

## COUNCIL POLICY

# Incomplete and Inadequate Development Application Management

<b>Date</b>	5 July 2018
<b>Council Resolution Date</b>	XXXX
<b>Clause Number</b>	
<b>Responsible Officer</b>	Darryll Quigley
<b>Position</b>	Manager Building and Development Services
<b>Branch</b>	Building and Development Services
<b>Division</b>	Planning and Environment
<b>Version</b>	2
<b>TRIM Reference Number</b>	ED18/92126
<b>Review Period</b>	Five (5) years
<b>Review Date</b>	Subject to date of adoption by Council
<b>Consultation</b>	Public consultation required

Document Revision History
<b>Description</b>
This Policy aims to facilitate the efficient assessment of all applications for development under the Environmental Planning and Assessment Act 1979, by communicating how Council will manage applications.
<b>Notes</b>
This Council Policy replaces the equivalent Council Policy titled <i>Incomplete Development Applications</i> adopted 26 April 2005 and reviewed 16 September 2016.

## **POLICY**

### **PURPOSE**

The delivery of a consistent, equitable and efficient development assessment service, is only possible when applications are submitted with the required information so that an informed, proper and timely assessment can be made.

The handling of incomplete or deficient applications that require several amendments and the provision of further information, requires significant resources to manage. This impacts on the processing times for all other applications.

This Policy is designed to outline the principles of dealing with unclear, illegible, grossly non-compliant, deficient applications and to encourage the lodgement of quality applications.

Council is committed to an efficient, consistent and effective application assessment service which benefits the majority of applicants that submit quality and complete applications.

### **BACKGROUND AND RELATED LEGISLATION**

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2000;
- Local Government Act, 1993; and
- Development Assessment Best Practice Guide (2017).

### **SCOPE**

This Policy applies to the lodgement and assessment of all development applications, modifications and Review of Determinations submitted to Dubbo Regional Council.

### **POLICY**

To ensure a consistent, equitable and efficient development assessment service, the following actions will be applied:

- Applicants will be encouraged to discuss proposals with Council prior to lodgement to ensure the application is complete and can be assessed;
- Council commits to providing clear and consistent pre-lodgement advice;
- Council commits to addressing issues with applicants in a timely and efficient manner;
- Council will reject development applications that fail to provide the information required by clause 51 of the Environmental Planning and Assessment Regulation, 2000;
- Where an application is not rejected, the applicant will be requested to withdraw incomplete and inadequate applications. A refund of a portion of the fees may be offered based on Council's costs to that point;

Failure to withdraw such applications will result in a determination based on the information submitted;

- Council will generally only make two (2) requests for further information from an applicant subject to the following timeframes:
  - First request: applicant provided with 21 days to respond; and
  - Second request: a further 14 days provided to respond.

Failure to provide the requested information will result in a determination based on the information submitted. Council may consider requests for an extension to these timeframes subject to the particular circumstances of the case;

- Applicants have the opportunity to seek a 'Review of Determination' under Sections 8.2 to 8.5 of the Environmental Planning and Assessment Act, 1979, if they are not satisfied with the outcome.

#### **RESPONSIBILITIES**

Manager Building and Development Services is responsible for the implementation of this Policy.

DRAFT





DUBBO REGIONAL  
COUNCIL

## REPORT: Draft Planning Agreement Policy - Results of Public Exhibition

**AUTHOR:** Manager Strategic Planning Services  
**REPORT DATE:** 14 June 2018  
**TRIM REFERENCE:** ID18/890

### EXECUTIVE SUMMARY

The Planning, Development and Environment Committee at its meeting on 19 March 2018 considered a report in respect of a draft Planning Agreement Policy, including value capture. The Committee in consideration of the report resolved for the draft Policy to be placed on public display and for consultation to be undertaken with the Dubbo Development Industry.

The draft Policy was placed on public exhibition from Wednesday 18 April 2018 until Thursday 31 May 2018. A total of nine (9) submissions were received during the public exhibition period. In respect of the value capture component of the draft Policy, this will ultimately be negotiated by Council as part of a Planning Agreement. It should be noted that the elected Council has the determinative power in respect to Council's acceptance or otherwise of a Planning Agreement and the terms of any such Planning Agreement. The draft Policy provides detailed information in relation to Council's consideration of Planning Agreements. It should also be noted that the draft Policy requires Council to consider the financial implications for a development proponent in respect of any value capture proposal.

The purpose of this report is to provide an analysis of all submissions received in respect of the draft Policy. A copy of public submissions provided to Council are included here in **Appendix 1**.

Following a review of submissions received, this report recommends that the draft Policy be adopted as an Interim Policy for a period of 12 months. This will allow Council to undertake a detailed review of the Policy following the initial 12 month period of operation. A copy of the amended Interim Planning Agreement Policy is provided here in **Appendix 2**.

### ORGANISATIONAL VALUES

Customer Focused: The Interim Planning Agreement Policy has been designed to provide consistent and clear information to the Development Industry and to the community in respect of Council's requirements for Planning Agreements.

Integrity: The Interim Policy will guide Council and the Development Industry in respect to the preparation of Planning Agreements in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.

One Team: Preparation of Planning Agreements requires the involvement of staff across various divisions within the organisation.

### **FINANCIAL IMPLICATIONS**

Planning Agreements allow Council to negotiate an alternative means of generating income sources to fund public amenities, infrastructure and services or collect monetary contributions outside of the traditional developer contributions framework.

Ultimately, Planning Agreements provide a process for the provision of infrastructure and services faster than regular developer contributions under Section 7.11 and Section 7.12 of the Environmental Planning and Assessment Act, 1979.

### **POLICY IMPLICATIONS**

This report recommends that Council adopt an Interim Planning Agreement Policy. If the draft Policy is ultimately adopted by Council, the Interim Policy will guide the use of and how and when Council will enter into Planning Agreements.

### **RECOMMENDATION**

- 1. That the Interim Planning Agreement Policy, as amended and provided in Appendix 2, be adopted for an operation period of 12 months only.**
- 2. That a review of the Interim Planning Agreement Policy be undertaken by Council by June 2019.**
- 3. That an advertisement be placed in local print media advising of Council's adoption of the Interim Planning Agreement Policy.**
- 4. That the Interim Planning Agreement Policy commence operation from the date it is advertised in the local print media.**
- 5. That those who made submissions be acknowledged and advised of Council's determination in this matter.**

*Steven Jennings*  
Manager Strategic Planning Services

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**BACKGROUND**

The Planning, Development and Environment Committee at its meeting on 19 March 2018 considered a report in respect of a draft Planning Agreement Policy, including value capture.

In consideration of the report, the following was resolved:

- “1. That the draft Policy for Planning Agreements, included here in Appendix 1 of the report of the Manager Strategic Planning Services dated 12 March 2018, be endorsed for the purposes of public exhibition only.*
- 2. That the draft Policy for Planning Agreements be placed on public exhibition for a period of not less than 28 days.*
- 3. That information regarding the draft Policy be provided to the local development industry via an information circular.*
- 4. That following completion of the public exhibition process, a further report be provided to Council for consideration, including any submissions received.*
- 5. That a workshop with Councillors and a Public Information session be conducted during the consultation period.”*

Planning Agreements were introduced into the Environmental Planning and Assessment Act, 1979 (EP&A Act) on 8 July 2005 with the gazettal of the Environmental Planning and Assessment Amendment (Development Contributions) Act, 2005.

A Planning Agreement is an agreement entered into by Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, provide monetary contributions or any other material public benefit, for a public purpose.

Given the flexibility that Planning Agreements provide outside of the often more rigid Section 7.11 and 7.12 (formally Section 94 and 94A) contribution plans, a Policy is required to provide consistent and clear information to developers seeking to enter into a Planning Agreement with Council and ensure the process is transparent to both the development industry and the community.

The draft Policy includes a value capture proposal. Value capture is a proposed mechanism where Council can capture, for the benefit of the community, a share of the unearned increment to developers in land value increases in a very limited set of circumstances. Further, the land value increase is applied only in respect of the undeveloped value of the land.

The draft Policy provides for the application of value capture only in the following circumstances:

1. Planning Proposals (being a proposed change to a Local Environmental Plan such as rezoning, additional permitted use or change to a minimum lot size):

- Development within an Urban Release Area creating more than 50 additional lots;
  - Creation of a commercial zone.
2. Development Applications.
- State Significant development.
  - Extractive industries.

The report is provided for the consideration of Council.

## REPORT

### 1. Public Exhibition

The draft Planning Agreement Policy was placed on public exhibition from Wednesday 18 April 2018 until 31 May 2018.

The draft Policy was displayed at the Dubbo Civic Administration Building and on Council's website. Advertisements were placed in local print media on 18 and 25 April 2018 and 16 and 23 May 2018.

Council officers held a workshop with Councillors on Monday 30 April 2018 to introduce and discuss the contents of the draft Policy. A Planning and Development forum was also held on Thursday 3 May 2018 to provide further information in respect of the draft Policy. This Forum was attended by approximately 70 persons. An Information Circular was also provided to attendees of the forum and made available on Council's website.

Council received a total of nine (9) submissions during the public exhibition period and are provided here as **Appendix 1**.

A summary of each submission and Council comment is provided as follows:

**Submission 1 – Duffy Elliot Lawyers on behalf of Bourke Securities Pty Ltd, Rices Ridge Pty Ltd, Ian Keith Rice, Jessie Janet Rice, Mark Keith Rice, Regina Michelle Rice, Rebecca Rice-Ward and Anthony John Rice-Ward.**

- *“The Application of the concept appears to be mandatory as an accompaniment to a Planning Agreement in respect of a Planning Proposal or specified Development Applications.”*

*Comment:*

Section 7.4 of the Environmental Planning and Assessment Act, 1979 establishes a statutory system for Council and a developer to negotiate a Planning Agreement. However, Section 7.4 of the Act does not specify a Planning Agreement is a mandatory measure.

Section 7.4 of the Act requires a Planning Agreement to be for a public purpose. A public purpose is defined as below:

- (2) *A public purpose includes (without limitation) any of the following:*
- (a) *the provision of (or the recoupment of the cost of providing) public amenities or public services,*
  - (b) *the provision of (or the recoupment of the cost of providing) affordable housing,*
  - (c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,*
  - (d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,*
  - (e) *the monitoring of the planning impacts of development,*
  - (f) *the conservation or enhancement of the natural environment*

Notwithstanding, Council has the ability to seek a developer to enter into a Planning Agreement as long as the Planning Agreement is for a public purpose. Council as the decision making body in respect of Planning Agreements will have the final consideration as to the exact scope and nature of any Agreement and whether Council proceeds with an Agreement.

- *“The concept has not been applied in any other country regional area in NSW.”*

*Comment:*

Clarence Valley Council and Byron Shire Council have Planning Agreement Policies which include a form of ‘value capture’. Both councils have respective value capture rates of 50% of the unearned increment for affordable housing.

In addition, Council has been contacted by other Evocities, which appear to have a level of interest in pursuing the value capture proposal.

- *“There has been no study undertaken to assess either whether the percentage amount to be applied is fair and reasonable other than it is a discount from percentages that are applied in major metropolitan Council areas.”*

*Comment:*

It is considered that 20% is reasonable which balances both developer value and community expectations to provide an adequate level of public services and amenities to the community. Dubbo Regional Council have also heavily restricted the applicable circumstances of the proposed value capture component of the Policy.

Dubbo Regional Council, like all regional and metropolitan councils, have community expectation to provide and maintain public services and amenities. The introduction of value capture is a means for Council, on behalf of the community, to share in the unearned value uplift within a defined set of circumstances and deliver further community services and facilities for the benefit of our community.

- *“There has been no study undertaken to determine whether the concept would predominantly impact local members of the community rather than affecting larger international entities”*

*Comment:*

Value capture would apply to any proponent where the draft Policy applies.

- *“There has been no study undertaken to determine the potential impacts on the growth of the Dubbo Region and the disadvantages which it may incur in relation to other regional areas.”*

*Comment:*

It is considered that impacts on land sale prices would not be significant noting firstly, the restricted circumstances where the value capture component of the Policy applies, and secondly, the fact that the unearned increments relate to the unimproved uplift in land value.

However, to enable the impact to be further considered, this report provides a recommendation that the draft Policy be adopted as an Interim Policy for a period of 12 months. This will allow Council to undertake a detailed review of the Policy within the initial 12 month period of operation.

- *“The concept relies in part on what is referred to as the ‘unearned increment’ does not take into account the enormous investment in time and money that developers must expend in properly preparing Planning Proposals, nor holding costs during the years taken to advance the proposals, nor the fees paid to a raft of Consultants.”*

*Comment:*

Council acknowledges the wide and varied costs associated with development. The economic viability of the development is an important consideration as to whether Council seeks the inclusion of value capture in a Planning Agreement. The draft Policy (**Appendix 2**) includes provision for the overall economic viability of the rezoning to be considered.

- *“It is unclear at what stage the Planning Proposal process that the value-capture amount is to be paid.”*

*Comment:*

The draft Policy does specifically not include any information as to when this contribution would be paid to Council.

Planning Agreements by their very nature offer a significant degree of flexibility to both the Council and the development proponent. Payment timeframes and amounts due could be undertaken by negotiation and agreement between both parties.

Submission 2 – Graeme Stapleton (Elders Real Estate)

- *“The policy has been promoted as a “Developer’s Tax”. Developers will have little option but to pass on increased costs to the consumers. The Value Capture Tax (VCT) will cascade down to consumers, resulting in increases to the price of land, increased house/land package prices, and will result in increased rents across the broader rental property market. It has the potential to severely impact upon housing construction, investment and employment opportunities across the broader community. The entire community will wear the brunt of this VCT, not just Developers.”*

*Comment:*

Value capture would only apply in the circumstances where a developer has sought to:

- Amend the Dubbo Local Environmental Plan 2011 (by rezoning land or reducing the minimum lot size) within an Urban Release Area that would effectively create more than 50 lots;
- Amend the Dubbo Local Environmental Plan 2011 or the Wellington Local Environmental Plan 2012 to create a commercial zone;
- Undertake State Significant Development; or
- Undertake Extractive Industry development.

Projections show there is approximately 1,587.3 hectares of available land zoned residential under the provisions of the Dubbo Local Environmental Plan 2011. Based on relevant minimum lot sizes, there is potential for an estimated 7,444 lots to be developed. Value capture would not apply to the development of this land unless the proponent has sought to undertake any of those four (4) items referenced above.

Noting this, value capture has limited application and would not apply to development on land currently zoned for residential development that is located outside the Urban Release Areas. It is therefore considered that the introduction of value capture would not significantly increase the price of land, house prices or rents across the city.

- *“I see this as an intervention to free market transactions which will have unintended consequences which will lead to a substantial increase in land prices. The result will be that fewer land sales will take place, which will flow onto reduced dwelling approvals.*

*This may well cause local builders to look for work in surrounding towns and cities. This has been a trend when the Dubbo property market becomes challenged and distressed.”*

*Comment:*

As discussed above, as value capture has limited application and does not apply to land already zoned residential located outside the defined Urban Release Areas, it is considered

that its introduction will not significantly increase the price of land, house prices or rents across the city.

- *“Dubbo Regional Council (DRC) has used examples of Sydney Metropolitan Councils who have implemented like policies with VCT, yet no other Regional Councils within the State have implemented such a policy. These LGAs are totally different to Regional Councils. The use of this comparison is totally flawed.”*

*Comment:*

Council has reviewed Planning Agreement Policies across both metropolitan and regional councils. Of note, value capture has been implemented by both Clarence Valley Council and Byron Shire Council. Both councils seek 50% of value uplift for the delivery of affordable housing.

- *“The manner in which DRC has promoted the introduction of this policy has been disgraceful. Failure to write to the Building Industry, the REINSW Orana Division and other major development and stakeholders needs to be viewed with suspicion and unacceptable. The community as a whole has been poorly advised and has had little opportunity to interpret and fully understand the consequences of this Policy. The so called leaders of the Community (the Mayor and CEO) are the ones who should have been at the fore front of this debate, explaining why a VCT is needed, the so called benefits it will achieve, and what would be the likely consequences to the broader community. Unfortunately these two gentlemen have been “missing in action” on this matter.*

*The information received states that land currently zoned R2 and within an Urban Release Area will not attract the VCT, and that it only becomes an issue if land is re-zoned. My concern is that existing supply of land within the City is rapidly being developed which will lead to an undersupply of vacant land to build on in the not too distant future. History proves that Dubbo’s growth over the last 50 years has been as a result of re-zoning farming land surrounding the City to residential. Clearly this will happen sooner than later if the City continues to grow at its pace. Council will be developing a new LEP for the new Regional Council. Clearly there will be allocation of land for future residential purposes which will carry R1 and R2 re-zoning in the new LEP. It is to be assumed that all such land will be subject to this tax.”*



*Comment:*

The draft Policy was displayed at the Dubbo Civic Administration Building and on Council's website. Advertisements were placed in local print media on 18 and 25 April 2018 and 16 and 23 May 2018.

Council officers held a workshop with Councillors on Monday 30 April 2018 to introduce and discuss the contents of the draft Policy. A Planning and Development forum was also held on Thursday 3 May 2018 to provide further information in respect of the draft Policy. This Forum was attended by approximately 70 persons.

As previously discussed in the report, Dubbo has sufficient land supply capable to develop an estimated 7,444 lots on land which is zoned residential under the provisions of the Dubbo Local Environmental Plan 2011. However, it should be noted that the value capture component of the draft Policy is only in respect of site specific planning proposals or spot rezonings. Other zoning and/or minimum lot size changes as a result of Council's regular statutory and Local Environment Plan reviews will not be subject to value capture.

- *"Other Regional Councils have lower land development costs than Dubbo Regional Council. Adding a further impost upon Developers (proposed VCT) will result in Dubbo being totally uncompetitive and will lead to a mass exodus of builders and developers to other regional towns and cities. Dubbo needs to seriously review their costing structure for land development. Already under existing policy Developers have to do most of the "heavy lifting" with infrastructure, not to mention already high contributions required of developers."*

*Comment:*

Council aims to maintain a balanced infrastructure contributions framework that ensures appropriate infrastructure is in place through the development process, whilst ensuring no undue pressures are placed on domestic rating structures. Dubbo as a City traditionally maintains a residential growth of between 0.8 and 1.2% per annum. It is considered that this consistent level of residential growth shows that the City is of a size that is resilient and self-sustaining. This means that the development industry is less likely to be susceptible to seasonal and climatic factors.

- *"Councillors would do well to study the history and fluctuations in dwelling approvals over the past 46 years since Dubbo City Council itself became a land developer. History will confirm that the market can change for varying reasons. E.g. imposition of higher bank interest rates, the effects of drought on the overall economy, external political and economic influences etc. Periods to note include 1980-1982, 1984-1987, and the early 1990's. Activity in the residential sector can rapidly change through natural causes, let alone by imposition of a further tax/impost on the people producing the land for builders to build upon."*

*Comment:*

The submission includes references to the state of the Dubbo Housing Market some 30 to 40 years ago when the population was approximately 24,000 persons in 1980. The issues raised in respect of external forces on the housing market are noted and are always evident in the overall economy.

- *“The timing for market intervention could not be worse. The past six (6) years have seen a steady growth in the local housing and property industry. House sales for the rolling 12 months to March 2018 stood at 801, which is a pleasing result. It should be pointed out, however, that the median house price has steadied between \$355,000 and \$365,000 over the same period. Average days on market for Dubbo have jumped from 64 days to 87 days and is trending upwards. This effectively means that the market is cooling through natural causes. Dubbo is also now drought declared. Now is clearly the wrong time to be intervening with the residential property sector.”*

*Comment:*

The issues in respect of the current state of the Real Estate Market are noted. However, it is unclear from the information provided as to whether this market adjustment being referred to is a trend evident across all Australian Real Estate.

However, this report provides a recommendation that the draft Policy be adopted as an Interim Policy for a period of 12 months. This will allow Council to undertake a detailed review of the Policy following conclusion of the initial 12 month period of operation.

- *“The imposition of a VCT will result in a substantial increase in land cost, but not necessarily land value, attributable to natural market forces. This will be seen as a market intervention rather than an increase in market value due to market forces. This may result in an issue for banks and lending institutions relying upon recent market evidence to support loan applications.”*

*Comment:*

Value capture would firstly, not apply to the development of residential land outside of the defined Urban Release Areas and secondly, only apply to residential land then if the proponent seeks a higher density of land through an amendment to the Dubbo Local Environmental Plan 2011. It would then only apply as a percentage to the incremental increase in value resulting from the opportunity of obtaining a higher use for the land. It is unclear as to how Value Capture will result in a substantial increase in land cost.

- *“Should DRC consider the introduction of such an impost in the future, better communication and total disclosure with the broader community and major stakeholders is essential. The Dubbo Housing Market is a major contributor to the local economy, and is responsible for the ongoing employment of a large workforce with*

*families to support. The imposition of a VCT will have a flow on and adverse effect on the entire community. Should common sense prevail, this policy must be rejected."*

Comment:

The issues raised in the submission are noted.

**Submission 3 – Adam Wells (Elders Real Estate)**

- *"This policy has been promoted as a "Developers' Tax" - Developers will have no choice but to pass on this tax to consumers. Such a Value capture tax (VCT) will flow to land price, house/land package price and rents; it has the potential to severely impact on housing construction, investment and jobs in the Dubbo community. The proposal is not a VCT on developers it is a tax on the entire Dubbo community. You say that the cost flow onto purchasers will be only minimal, so I struggle to understand the need for the VCT to be there in the first place."*

Comment:

It is considered that this issue has been previously addressed in Submission 2 above, Mr Graeme Stapleton.

- *"It is an intervention to free market transactions which will result in unintended consequences and lead to a substantial increase in land prices. This will result in reduced sales of vacant blocks and a subsequent reduction in dwelling approvals, which will flow onto builders and sub-contractors."*

Comment:

It is considered that this issue has been previously addressed in Submission 2 above, Mr Graeme Stapleton.

- *"Other Regional Councils have lower land development costs than DRC. Adding a further impost upon Developers (proposed VCT) will result in Dubbo being totally uncompetitive and I fear could lead to a decline in the amount of builders and developers looking to invest, take financial risk and develop in DRC. Already under existing policy Developers have to do most of the "heavy lifting" with infrastructure, not to mention already high contributions required of developers."*

Comment:

It is considered that this issue has been previously addressed in Submission 2 above, Mr Graeme Stapleton.

- *"DRC has not engaged the community with the proposed introduction of the new tax. To not send a circular to all active residential builders is unacceptable. Why did DRC decide to exclude residential builders as not part of the "development industry"? The Dubbo*

*regional council community has not had the opportunity to understand the VCT proposal. When such a new proposal is introduced by a Council it falls to the Mayor and CEO to articulate the details of the proposed VCT, explain why it is needed, what are the likely effects of the VCT on the community and how the income raised will be allocated. With respect this does not appear to have taken place. It would be expected the CEO and Mayor would have been active in making media releases and articulating the benefits the VCT would provide the community. With respect this has been very poorly handled by council. It was not until a media release on 2 May at 9.18 am, the CEO was extending an invitation to the community to attend a forum to be held the next day. Why couldn't council issue such a media release in the previous 4 weeks, since council meeting of 26 March 2018 adopted proposal for public exhibition."*

*Comment:*

It is considered that this issue has been previously addressed in Submission 2 above, Mr Graeme Stapleton.

- *"Timing for market intervention is poor. The past six (6) years has seen steady growth in the local housing industry. House sales for the rolling 12 months to March 2018 was 801 sales, which is a great result! However, the median house price has remained steady over that 12 month period, fluctuating between \$355,000 and \$365,000. We have now been officially declared Drought affected, and the market is beginning to slow due to natural causes (average days on market has blown out from 64 days to 87 days). Now is the wrong time to be considering intervention into any part of the residential development sector."*

*Comment:*

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

*"The introduction of such an impost will impose a substantial increase in land cost not attributable to natural market forces. This may cause an immediate issue for Banks and other lenders who rely on recent sales evidence to support decisions to lend."*

*Comment:*

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

- *"We strongly suggest DRC Councillors study the fluctuations in dwelling approvals over the last 46 years since Dubbo City Council commenced as a developer of residential land and note how quickly a change can occur from the high levels of approvals to low levels. In particular the period from 1980/1982, 1984/1987, then in the 1990's. These fluctuations suggest that the activity in the residential sector is subject to rapid change."*

*Comment:*

It is considered that this issue has been previously addressed in Submission 2 Mr Graeme Stapleton.

- *“It is understood the general manager/CEO from his Burwood background may have introduced a tax to our councillors based on his experience in Burwood. From investigations this tax may have been brought in by Burwood Council on investors who are looking for a spot re-zoning and the council agreed to it as long as they could share in the profits. How is this relevant to Dubbo? Our developers have helped grow our city, have underpinned Real Estate employment in so many areas that this tax could very well undermine the future growth of our city.”*

*Comment:*

Dubbo Regional Council, like all councils, have expectations to provide and maintain an adequate level of public services and amenities to the community. The introduction of value capture is a means for Council, on behalf of the community, to share in the unearned value uplift where a developer seeks to benefit from an intensified land use. Council does not underestimate the significant positive impacts our Development Industry has had on Dubbo. However, value capture is concerned with ensuring community infrastructure can be adequately provided to all members of our community.

- *“It would appear the VCT proposal is not supported by any business plan or modelling, and statements by Councillors indicate a general lack of understanding of the consequences of such a tax on the community. This Council and Councillors will share responsibility for future consequences of this tax as it impacts the community, from the residential sector in the future years.”*

*Comment:*

The proposed operation of the value capture component of the draft Policy was designed in such a way as to effectively limit any considerable impacts to the Dubbo Housing Market. However, taking into account the issues raised across a number of submissions, this report provides a recommendation that the draft Policy be adopted as an Interim Policy for a period of 12 months. This will allow Council to undertake a detailed review of the Policy following conclusion of the initial 12 month period of operation.

- *“We respectfully request Councillors to reject the proposed VCT. Go back to the drawing board and consider the full ramifications of the impact on the Dubbo economy of a Council imposed disruptor, at this time in the housing cycle, the current regional drought conditions and engage the whole Dubbo community but in particular the entire Residential construction sector to consider how such a VCT could be applied in the longer term in such a way - COUNCIL IS ASSURED THE INTRODUCTION OF SUCH A TAX WILL NOT PROVE A DISRUPTOR TO THE SECTOR OR ECONOMY AS IS LIKELY IF INTRODUCED NOW.”*

*Comment:*

The issues raised in the submission are noted.

**Submission 4 – Blanche Robinson (Elders Real Estate)**

- *“This policy has been promoted as a “Developers’ Tax” - Developers will have no choice but to pass on this tax to consumers. Such a Value capture tax (VCT) will flow to land price, house/land package price and rents; it has the potential to severely impact on housing construction, investment and jobs in the Dubbo community into the future. The proposal is not a VCT on developers it is a tax on the entire Dubbo community.”*

*Comment:*

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

- *“It is an intervention to free market transactions which will result in unintended consequences and lead to a substantial increase in land prices. This will result in reduced sales of vacant blocks and a subsequent reduction in dwelling approvals, which will flow onto builders and sub-contractors.*

*The information received in flier form, states that land currently Zoned R2 and within an Urban Release Area will not attract the VCT, and that it only becomes an issue if the land is re-zoned. The policy itself, however, is quite ambiguous in the wording around this.*

*Our concern is that existing supply of land within the City is rapidly being developed which will lead to an under supply of vacant land to build on in the not too distant future. History proves that Dubbo's growth over the past 50 years has been as a result of re-zoning farming land surrounding the City to residential. Clearly this will happen sooner rather than later if the City continues to grow at its current pace. Council will be developing a new LEP for the new Regional Council; clearly there will be allocation of land for future residential purposes which will carry R1 and R2 re- zoning in the new LEP. It is to be assumed that all such land will be subject to this tax.”*

*Comment:*

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

- *“Timing for market intervention is poor. The past six (6) years has seen steady growth in the local housing industry. House sales for the rolling 12 months to March 2018 was 801 sales, which is a great result! However, the median house price has remained steady over that 12 month period, fluctuating between \$355,000 and \$365,000. We have now been officially declared Drought affected, and the market is beginning to slow due to natural causes (average days on market has blown out from 64 days to 87 days). Now is*

*the wrong time to be considering intervention into any part of the residential development sector."*

Comment:

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

- *"Other Regional Centres do not have the same level of land development costs as DRC. Imposition of a further Tax will result in Dubbo grinding to a standstill, and Developers leaving the City for more affordable options in other Regional centres. Speaking with local builders, they already know that Dubbo land is expensive, and know that their fellow franchise holders in other centres, i.e. Wagga have cheaper land prices due to less Council contribution taxes."*

Comment:

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

- *"DRC has used Sydney Metropolitan councils as a means of justification for the introduction of the Value Capture Tax. They are not comparing "Apples with Apples", but rather "Apples with Lemons". We believe there should be further research around regional markets conducted and modelling around our local economy and development to see the likely impact directly to our community. At this stage, no actual data has been provided outside the basic information of the Sydney Metro policies. Commentary on the policy from Mayor Kidd from Orange has stated that they would not be looking at introducing such a tax on their community and as far as we are aware, there have be no other public statements from other regional councils to suggest they would be considering a similar policy."*

Comment:

Dubbo Regional Council, like all councils, have expectations to provide and maintain an adequate level of public services and amenities to the community. The introduction of value capture is a means for Council, on behalf of the community, to share in the unearned value uplift where a developer seeks to benefit from an intensified land use. Council does not underestimate the significant positive impacts our Development Industry has had on Dubbo.

However, value capture is concerned with ensuring community infrastructure can be adequately provided to all members of our community.

In respect of Orange, it is considered that no further information be provided.

- *"There has been no study undertaken to assess either whether the percentage amount to be applied is fair and reasonable other than it is a discount from percentages that are applied in major metropolitan Council areas."*

Comment:

It is considered that 20% is reasonable which balances both developer value and expectations to provide an adequate level of public services and amenities to the community.

- *“The overall promotion of this change by DRC we feel has been poor. Confirmation of this was seen at the Developers Forum, which the majority of attendees had no idea was happening until we were within 24 hours of the event being held. Failure to write to the Building Industry, the REINSW Orana Division and other stakeholders advising of the biggest tax ever introduced, and Dubbo being the only regional city to contemplate introducing such a tax, is certainly questionable and seems quite strange. It also seems very strange to exclude residential builders as part of the "Development Industry" and not send them information directly in relation to this when it was sent to other "stakeholders". The DRC community has not had the opportunity to understand the VCT proposal. When such a new proposal is introduced by a Council, it falls to the CEO and all Councillors to articulate the details of the proposed VCT, explain why it is needed, what are the likely effects of the VCT on the community and how the income raised will be allocated.”*

Comment:

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

- *“The introduction of such an impost will impose a substantial increase in land cost not attributable to natural market forces. This may cause an immediate issue for Banks and other lenders who rely on recent sales evidence to support decisions to lend. Have Council met with Valuers to discuss this potential issue?”*

Comment:

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.

*“In the future DRC may, with due consultation with the community revisit the proposed VCT, and consider how and when it could be introduced at a lower level on a sliding scale with increases say each 3/5 years so it did not intervene as a disruptor in the housing and job market. Such a time would take into account the residential housing cycle at the time. At the present time Dubbo is enduring one of the driest times in the last 100 years, and a continuation will see an unknown economic impact on the region and Dubbo. One of the cornerstones of a strong job market in Dubbo is the residential housing sector. This might be critical to maintaining the Dubbo economy to offset the impact of the drought conditions on the region.”*

Comment:

This matter has been addressed under Submission 2 above, Mr Graeme Stapleton.



**Submission 5 – Samuel and Laura Shooter - SJ Shooter Real Estate**

- *“For the following reasons, we strongly oppose the introduction of the proposed Value Capture Tax (or VCT):*

*1. There is insufficient evidence of what the benefit will be to our community”*

*Comment:*

Dubbo Regional Council, like all councils, have expectations to provide and maintain an adequate level of public services and amenities to the community. The introduction of value capture is a means for Council, on behalf of the community, to share in the value uplift where a developer seeks to benefit from an intensified land use. Council does not underestimate the significant positive impacts our Development Industry has had on Dubbo. However, value capture is concerned with ensuring community infrastructure can be adequately provided to all members of our community.

- *“2. There is a lack of research into the negative impact of possible flow-on ramifications to the wider community”*

*Comment:*

As discussed above, as value capture has limited application and does not apply to land already zoned residential located outside the defined Urban Release Areas, it is considered that its introduction will not significantly increase the price of land, house prices or rents across the city.

- *“3. There has been inadequate consultation with industry stakeholders”*

*Comment:*

The overall consultation regime for the draft Policy has been previously discussed in the report.

- *“4. A poorly planned and implemented policy like this has the potential to demonstrate economic naivety in our region's governance.*

*Comment:*

No comment is considered to be provided as this is an opinion provided by the submitter.

**Submission 6 – Starjest Constructions – Neil and Jennifer O’Connor**

The Submission is received from Neil and Jennifer O’Connor dated 31 May 2018. The issues generally raised in the submission are the following:

- *"1. Doubling up of Fees imposed on Developers.  
"Planning Agreements are used within the planning system as a tool to achieve innovative and flexible funding and delivery of infrastructure, facilities and services to support new development". If this is the case, then why are developers made to pay Contributions (formerly known as Section 92 and 94 Contributions) as part of a Development Application? These contributions are designed to provide infrastructure, open space and recreation and services."*

Comment:

Council levies developer contributions under Section 64 of the Local Government Act, 1993 and Section 7.11 and 7.12 of the Environmental Planning and Assessment Act, 1979. Council's developer contributions framework levies development based on their specific and individual impacts and demands towards water, sewer, open space and recreational facilities, stormwater, urban roads and car parking facilities infrastructure. The relevant contribution plans levy contributions on residential development (including subdivision), commercial, industrial and other developments where there is deemed to be an increase in the number of lots, development density, units, floorspace, fixtures and any combination of these items.

Value capture is distinguishable from developer contribution mechanisms under Section 7.11 and 7.12 of the Environmental Planning and Assessment Act, 1979 or Section 64 of the Local Government Act, 1993 in that it is focused on value sharing between Council on behalf of the community and developers rather than the provision of costs to Council to address particular impacts of development, such as the need for public open space and recreational facilities, community facilities, road improvements and traffic management for instance.

The unplanned intensification of land can impact Council's future projection for the provision for public services and amenities. Value capture is means to share in the value uplift on behalf of the community to provide and maintain such services and amenities.

- *"2. Money grab that will either turn developers away or make ratepayers pay for it.  
"Value Capture where Council captures a share of the profits of a developer's value increase". Isn't a profit part of the reward in being a developer? A developer risks losing substantial amounts of money if the development they propose does not sell or come to fruition. It is already difficult enough for Developers to secure funds to carry out developments as many banks are now refusing to support development and developers as they are seen as a risk. Why is Council wanting to take a further part of the profit being made by developers? By Council taking a portion of the profit, this further reduces that ability of the Developer to sell at a cost-effective sales price. The developer will increase the end sales price whereby the ratepayer will need to pay an inflated price for the commodity resulting in them either paying the Value Capture added cost to the developer or choosing not to purchase at an increased price. This will result in a reduction in the level of property sales in an area. Investors will be turned off the idea of purchasing investment properties if the cost of the property has been inflated to cover the Council's Value Capture fee. For the investor to recoup their costs on a purchase will*

*mean increasing the charges for rent further reducing the prospect of affordable housing for lower to middle income earners."*

*Comment:*

Value capture would firstly, not apply to the development of residential land outside of the defined Urban Release Areas and secondly, only apply to residential land then if the proponent seeks a higher density of land through an amendment to the Dubbo Local Environmental Plan 2011. It would then only apply as a percentage to the incremental increase in value resulting from the opportunity of obtaining a higher use for the land. It is unclear as to how Value Capture will result in a substantial increase in land cost.

- *"3. No successful example of Value Capturing advantages in regional NSW. It is noted that NO REGIONAL COUNCIL has undertaken the Value Capture proposal in New South Wales. Metropolitan and Coastal councils are not a comparison to regional councils. Why does Dubbo Regional Council want to be the "Guinea Pig" in this endeavour and risk losing the Developers we currently have in the Dubbo Council area. Council needs to identify where the Developers in Dubbo are coming from. They are not overseas Developers nor Metropolitan Developers. Dubbo Developers are local people many of whom have lived and worked in Dubbo most of their lives. These developers look to employ and contract local people to complete the development works resulting in a healthier local economy."*

*These Developers are people who have a history with Dubbo and a vested interest in ensuring Dubbo continues to grow and flourish as a regional centre. Many Developers have raised families in the Dubbo area and are keen to grow Dubbo so that people are encouraged to move here and invest here. Development encourages Dubbo-bred people who have moved away to return to Dubbo with new qualifications and businesses to add to the growing economy.*

*A Value Capture Fee / Tax would only become a "handbrake" to development in the Dubbo Regional Council area.*

*Comment:*

As discussed above, value capture has limited application and would not apply to development on land currently zoned residential outside of an Urban Release Area. The introduction of value capture will assist Council in providing public services and amenities to the community.

- *"4. The Value Capture Agreement structure leaves it open to corruption by both parties. As the Planning Agreement must be agreed upon by both Council and the Developer, this grey area leaves the agreement process open to corruption. "Council and the developer must agree on an acceptable value". Who governs this? Who determines what the value percentage should be with one developer as opposed to another? Dubbo Regional Council in the past has been a developer. Who determines how much Value Capture Council should pay themselves? In the scenario that Council was to have to pay*

*itself a Value Capture Fee, where would the funds be raised from — Ratepayers? How can favouritism of certain developers be avoided by Council? What stops the amount levied for the Value Capture being reduced because one developer does more work in Dubbo than another or due to a relative influencing the process within Council. While these examples are speculative, what prevents this from occurring?"*

*Comment:*

Council does not currently have an adopted Policy in respect of Planning Agreements. Given their increased use in the planning system to deliver infrastructure, community services and facilities, there is a need to adopt a Policy to provide consistent and clear information to developers seeking to enter into a Planning Agreement with Council and ensure the process of doing so is transparent to both the development industry and the community.

If Council decides it is appropriate to enter into a Planning Agreement, Council and the developer must agree on an acceptable value.

To ensure transparency across the Planning Agreement process, Planning Agreements are required to be placed on public exhibition for a minimum of 28 days. Council is also required to consider any submissions made during the public exhibition period.

- *"5. Transparency across the planning process.  
Council has stated that it is "required to consider any submissions made during the public exhibition period". The public exhibition period allows for submissions to be made anonymously. How is this transparent and what stops proponents of the Value Capture Tax to make submissions for or against their agreement to further benefit their cause?"*

*Comment:*

As discussed above, where value capture would apply, a Planning Agreement is required to be publically exhibited. Council is required to consider any submissions made during the public exhibition period. In negotiating such a Planning Agreement, the effect on the economic viability of the proposed development will be an important consideration in establishing the amount of development contribution or whether the Planning Agreement will contain a value capture component. In such circumstances, any report to Council as part of the Planning Proposal process would outline this clearly.

- *"6. Valuations.  
An additional cost to a Developer is with Council engaging a registered Valuer or Quantity Surveyor to review information in respect of land valuation. Although Council will be the beneficiary of the Value Capture, there is an additional cost for the Valuation to be borne by the Developer."*

*Comment:*

The Policy states that where Council may need to engage appropriate specialists to review information provided by the developer, such Costs incurred by Council will be met by the developer.

- *“7. Council as a Developer  
Dubbo Regional Council has been acting in the capacity of a land developer in Dubbo for several decades. One needs to question if the addition of the Value Capture policy is a way for Council to discourage private developers from working in Dubbo so that surrounding land can be further developed by Council themselves.”*

*Comment:*

No response is provided in respect of the issue as provided above.

**Submission 7 – Real Estate Institute of NSW - Orana Division**

- *“1. Since Dubbo Council acquired the so called "square kilometre of land" in the early 1970's residential land development has resulted from rezoning the farmlands to residential subdivisions. It is that development and growth which has been a cornerstone of the modern city of Dubbo and has allowed the population to grow to approx. 43,000 now from the then population of under 20,000. In the future if the city is to grow it will require continued expansion into rural zoned areas, and much of these rezoning's can be caught by the VALUE CAPTURE TAX.”*

Comment:

It is considered that issues in respect to the overall development of Dubbo have been previously addressed in the report.

- *“2. This proposal has been marketed as a "Developers tax". That is deceptive and misleading, as the tax which DRC seeks to collect will be passed onto the community by a developer, and paid for in increased land prices, increased house/land package price, and residential rents, as it is passed down the chain.”*

Comment:

Council has not undertaken any marketing of value capture as a “Developers Tax.”

Dubbo Regional Council, like all councils, have expectations to provide and maintain an adequate level of public services and amenities to the community. The introduction of value capture is a means for Council, on behalf of the community, to share in the unearned value uplift where a developer seeks to benefit from an intensified land use. Council does not underestimate the significant positive impacts our Development Industry has had on Dubbo.

However, value capture is concerned with ensuring community infrastructure can be adequately provided to all members of our community.

- *“3. THE RESIDENTIAL SECTOR OF DUBBO IS WORTH \$415 MILLION TO THE DUBBO ECONOMY. (2016 figures- Source: REINSW- Orana Division submission to Administrator, Western Plains Regional Council. 23 May 2016, seeking the reinstatement of Dubbo to the title of the amalgamated Council). It may be this figure has grown up to \$450/ \$500M currently given the increase in turnover for residential building, house sales and residential property under rent.”*

Comment:

This information provided in the submission is noted.

- *“4. Such a Value capture tax (VCT) which will flow to land price, house/land package price and rents has the potential to severely impact on housing construction, investment and jobs in the Dubbo community. The proposal is not a VCT on developers it is a tax on the entire Dubbo community.”*

Comment:

Value capture would firstly, not apply to the development of residential land outside of the defined Urban Release Areas and secondly, only apply to residential land then if the proponent seeks a higher density of land through an amendment to the Dubbo Local Environmental Plan 2011, resulting in an additional 50 lots. It would then only apply as a percentage to the incremental increase in value resulting from the opportunity of obtaining a higher use for the land.

- *“5. To consider introducing such a VCT on the residential housing sector which is at the end of a 6 year growth cycle is very poor governance and economic management, by Dubbo Regional Council.”*

Comment:

No comment is considered to be provided as this is an opinion provided by the submitter.

- *“6. We strongly suggest DRC Councillors study the fluctuations in dwelling approvals over the last 46 years since Dubbo City Council commenced as a developer of residential land and note how quickly a change can occur from the high levels of approvals to low levels. In particular the period from 1980/1982, 1984/1987, then in the 1990's. These fluctuations suggest that the activity in the residential sector is subject to rapid change.”*

Comment:

The submission includes references to the state of the Dubbo Housing Market some 30 to 40 years ago when the population was approximately 24,000 persons in 1980. The issues raised

in respect of external forces on the housing market are noted and are always evident in the overall economy.

- *“7. DRC has not engaged the community with the proposed introduction of the new tax. To not send a circular to all active residential builders is unacceptable. Why did DRC decide to exclude residential builders as not part of the "development industry"? The Dubbo regional council community has not had the opportunity to understand the VCT proposal. When such a new proposal is introduced by a Council it falls to the Mayor and CEO to articulate the details of the proposed VCT, explain why it is needed, what are the likely effects of the VCT on the community and how the income raised will be allocated. With respect this does not appear to have taken place. It would be expected the CEO and Mayor would have been active in making media releases and articulating the benefits the VCT would provide the community. With respect this has been very poorly handled by council. It was not until a media release on 2 May at 9.18 am, the CEO was extending an invitation to the community to attend a forum to be held the next day. Why couldn't council issue such a media release in the previous 4 weeks, since council meeting of 26 March 2018 adopted proposal for public exhibition.”*

Comment:

The draft Planning Agreement Policy was placed on public exhibition from Wednesday 18 April 2018 until 31 May 2018.

The draft Policy was displayed at the Dubbo Civic Administration Building and on Council's website. Advertisements were placed in local print media on 18 and 25 April 2018 and 16 and 23 May 2018.

Council officers held a workshop with Councillors on Monday 30 April 2018 to introduce and discuss the contents of the draft Policy. A Planning and Development forum was also held on Thursday 3 May 2018 to provide further information in respect of the draft Policy. This Forum was attended by approximately 70 persons.

An information circular was also provided to members of the Development Industry. This information was also provided on Council's website.

- *“8. In the future DRC may with due consultation with the community revisit the proposed VCT, and consider how and when it could be introduced at a lower level on a sliding scale with increases say each sliding years so it did not intervene as a disruptor in the housing and job market. Such a time would take into account the residential housing cycle at the time. At the present time Dubbo is enduring one of the driest times in the last 100 years, and a continuation will see an unknown economic impact on the region and Dubbo. One of the cornerstones of a strong job market in Dubbo is the residential housing sector. This might be critical to maintaining the Dubbo economy to offset the impact of the drought conditions on the region.”*

Comment:

Value capture would firstly, not apply to the development of residential land outside of the defined Urban Release Areas and secondly, only apply to residential land then if the proponent seeks a higher density of land through an amendment to the Dubbo Local Environmental Plan 2011. It would then only apply as a percentage to the incremental increase in value resulting from the opportunity of obtaining a higher use for the land.

This report however, provides a recommendation that the draft Policy be adopted as an Interim Policy for a period of 12 months. This will allow Council to undertake a detailed review of the Policy following conclusion of the initial 12 month period of operation.

- *“9. It is understood the general manager/CEO from his Burwood background may have introduced a tax to our councillors based on his experience in Burwood. From investigations this tax may have been brought in by Burwood Council on investors who are looking for a spot re-zoning and the council agreed to it as long as they could share in the profits. How is this relevant to Dubbo? Our developers have helped grow our city, have underpinned employment in so many areas that this tax could very well undermine the future growth of our city.*

Comment:

Dubbo Regional Council, like all councils, have expectations to provide and maintain an adequate level of public services and amenities to the community. The introduction of value capture is a means for Council, on behalf of the community, to share in the unearned value uplift where a developer seeks to benefit from an intensified land use. Council does not underestimate the significant positive impacts our Development Industry has had on Dubbo. However, value capture is concerned with ensuring community infrastructure can be adequately provided to all members of our community.

- *“10. The community including those potentially impacted by the VCT has no understanding of the details of this proposal. It is a fact Council did not send out a letter about the proposal until 24 April 2018 about two weeks after it was placed on Public Exhibition. When the information was available from 27 March why Council delay, in acting on the resolution “That information regarding the draft policy be provided to the local development industry via an information circular”. This was not done, until information circulars were provided at the Forum held on 3 May.”*

Comment:

Issues in respect of public consultation have been previously addressed in the report.



- *“11. We respectfully request Councillors to reject the proposed VCT. Go back to the drawing board and consider the full ramifications of the impact on the Dubbo economy of a Council imposed disruptor, at this time in the housing cycle, the current regional drought conditions and engage the whole Dubbo community but in particular the entire Residential construction sector to consider how such a VCT could be applied in the longer term in such a way -COUNCIL IS ASSURED THE INTRODUCTION OF SUCH A TAX Will NOT PROVE A DISRUPTOR TO THE SECTOR OR ECONOMY AS IS LIKELY IF INTRODUCED NOW.”*

Comment:

The issues raised in the submission are noted.

- *12. It would appear the VCT proposal is not supported by any business plan or modelling, and statements by Councillors indicate a general lack of understanding of the consequences of such a tax on the community. This Council and Councillors will share responsibility for future consequences of this tax as it impacts the community, from the residential sector in the future years.*

Comment:

No comment is considered to be provided as this is an opinion provided by the submittant.

**Submission 8 – Maas Group Family Properties**

- *“As the Department of Planning & Environment NSW has published a draft planning circular (0117) which provides guidance and advice on how agreements are to be made and formulated based upon the Environmental Planning and Assessment Act and Regulations. In this regard, I respectfully question the need to add another lay of policy to an already detailed pathway? ... should Council wish for a clearer internal assessment pathway of Agreements for its Officers then I believe a simple “flow chart” of ‘code of conduct’ of how Council staff report Agreements to Council for consideration and discussion by Councillors. It is noted that other regional Councils operate a similar framework.”*

Comment:

Planning Agreements are often used in complex circumstances to deliver infrastructure and community services and facilitates beyond the limitations of Section 7.11 and 7.12 developer contributions (formerly Section 94 and 94A) of the Environmental Planning and Assessment Act, 1979. Given their increased use in the planning system, it is considered there is a need to provide consistent and clear information to developers seeking to enter into a Planning Agreement with Council and ensure the process of doing so is transparent to both the development industry and the community.

- *'Value capture' concept seems naïve and counterproductive to growth and the provision of housing and significant development infrastructure and employment opportunities for the Dubbo and Wellington Government Area.*

Comment:

Dubbo Regional Council, like all councils, have expectations to provide and maintain an adequate level of public services and amenities to the community. The introduction of value capture is a means for Council, on behalf of the community, to share in the unearned value uplift where a developer seeks to benefit from an intensified land use. Such unplanned intensification is generally outside of the realms of Council's planned forecasts for the delivery of public services and amenities to the community. Value capture is a means to assist with the provision of the additional services and amenities to all members of our community.

- *No economic studies or modelling has been undertaken or considered in regards to the introduction of value capture aspect of the policy. Value capture will have significant on the economic impact of the development industry in Dubbo and Wellington.*

Comment:

Council aims to maintain a balanced infrastructure contributions framework that ensures appropriate infrastructure is in place through the development process, whilst ensuring no undue pressures are placed on domestic rating structures. Noting this, it is considered that 20% is reasonable with respect to balancing both developer value and community expectations to provide an adequate level of public services and amenities.

Additionally, value capture has limited application and would not apply to residential development on land currently zoned for residential development that is located outside the Urban Release Areas. It is therefore considered that the introduction of value capture would not significantly increase the price of land, house prices or rents across the city.

- *"For residential subdivision development in the South East Urban Release Area of Dubbo the development contributions per lot area \$26,231.46. Our review of other Evo-city development contributions identified the following:*

<i>Orange (Shiralee &amp; Phillip Street)</i>	<i>\$20,000.00 per lot</i>
<i>Wagga Wagga</i>	<i>\$18,199.00 per lot</i>
<i>Tamworth (Calala)</i>	<i>\$14,055.00 per lot</i>
<i>Bathurst</i>	<i>\$5,575.00 per lot</i>

*Dubbo has the highest per lot development contributions of Orange, Wagga Wagga, Tamworth and Bathurst being Evo-cities. The Evo-cities should create the benchmark for comparison and not the metropolitan cities."*

The \$26,231.46 referenced is a combination of Section 64 and 7.11 contributions of which \$11,171.57 is made up of Section 64 water and sewer infrastructure contributions.

Council has undertaken a review of the developer contributions referenced in the submission in which it is noted the per lot figures include Section 7.11 contributions only with Section 64 sewer and water fees being excluded.

With respect to the other Council's development contributions, the following information is provided:

- Orange (Shiralee & Phillip Street)

The \$20,000 per lot includes Section 7.11 contributions only being open space and recreation, community and cultural, roads and traffic management and local area facilities. The \$20,000 does not include Section 64 water and sewer contributions which are \$12,548.60. The total per lot contribution for the Shiralee and Phillip Street Urban Release Areas in Orange are therefore \$32,548.60 per lot.

Additionally, it is noted that the Orange Development Contributions Plan 2017 states that the \$20,000 imposed for Section 7.11 contributions is capped in accordance with the Minister for Planning's Section 7.17 Direction. The Plan states the \$20,000 cap will be increased *"from 1 January 2018 with further \$5,000 increase each year for two years from 1 July 2018 until the cap is removed in 2020"*.

- Wagga Wagga

It is unclear as to how \$18,199.00 was calculated, however it is acknowledged that different development contributions apply to different areas based on specific infrastructure requirements and expected population. Within the Estella Urban Release Area, contributions range between \$20,564.95 and \$24,310.38 per lot (depending on open space dedication requirements).

- Tamworth Regional Council

The \$14,055.00 per lot includes Section 7.11 contributions only being open space and recreational facilities and roads. The \$14,055.00 does not include Section 64 water and sewer contributions which are \$6,913.00 per lot. The total per lot contribution for Calala in Tamworth is therefore \$20,967.89 per lot.

- Bathurst

The \$5,575.00 per lot would appear to include Section 7.11 contributions only and does not include Section 64 water and sewer contributions which are \$11,004.00 per lot. A review of the Section 64 and Section 7.11 development contributions for the Eglinton Urban Release Area requires a total of \$26,055.60 per lot.

It is therefore considered that Dubbo's development contributions fee structure is generally consistent with the other Evocities.

As noted above, Council aims to maintain a balanced infrastructure contributions framework that ensures appropriate infrastructure is in place through the development process, whilst ensuring no undue pressures are placed on domestic rating structures.

Comment:

The issues raised in the submission are noted.

- *The added Value capture cost will be passed onto the consumer as increased end price.*

Comment:

As previously discussed in this report, value capture has limited application and would not apply to residential development on land currently zoned residential that is located outside the Urban Release Areas. It is therefore considered that the introduction of value capture would not significantly increase the price of land, house prices or rents across the city.

- *The application of value capture to development over 50 lots may result in spasmodic growth and investment.*

Comment:

The provision of further land zoned R1 General Residential in the Urban Release Areas has the potential to result in an increase in housing stock across a variety of price points within the Dubbo Housing Market. However, Council's adopted land use strategies have not necessarily envisaged a type of medium density development being provided in these areas over and above traditional concentric zoning, which aims to ensure densification is undertaken radiating from the Central Business District.

Whilst Council's Developer Contributions Framework can cater for traditional infrastructure for these development types, social infrastructure and associated networks are difficult to develop over short time periods to address increases in population in these areas.

- *"The Application of value capture would have a negative effect of reducing confidence in the Dubbo and Wellington development market with resultant impacts of stalled growth or limited growth outside existing development. In this regard, the concept of value capture is not supported."*

Comment:

As previously discussed in this report, value capture has limited application and would not apply to residential development on land currently zoned residential that is located outside the Urban Release Areas. It is therefore considered that the introduction of value capture would not significantly increase the price of land, house prices or rents across the city.

- *That an audit and review of all Current Section 94 (7.11) and Section 64 contributions plans would be more productive and proactive to fund infrastructure.*

Comment:

Value capture is distinguishable from development contribution mechanisms under Section 64 Local Government Act, 1993 and Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act, 1979. Value capture is focused on value sharing between Council on behalf of the community and developers rather than the provision of costs to Council to address particular impacts of development, such as the ongoing costs for sewer and water infrastructure, public open space and recreational facilities, community facilities, road improvements and traffic management for instance.

The unplanned intensification of land can impact Council's future projection for the provision of public services and amenities. Value capture is a means to share in the value uplift on, behalf of the community, to provide and maintain such services and amenities that fall outside of where Council's Section 64 and Sections 7.11 and 7.12 contributions plans can be applied.

Submission 9 – Doherty Smith & Associates

*“My impression of the proposal is that it is dealing with subjective figures, when referring to an increase in land value due to rezoning. My suggestion is, rather than take a percentage of increase in land value, change the fee structure for planning proposals so that all developers are able to see ahead of time what the expenses are likely to be.”*

Comment:

The Policy includes a proposal for Council to seek 20% of the increased land value as a result of the Planning Proposal being supported by Council. It is considered that provision of value capture through a Planning Agreement is more appropriate than through Council's fees and charges policy.

**2. Changes to the draft Policy**

Following conclusion of the public exhibition and consultation process, Council officers have undertaken a review of the draft Policy. As previously discussed in the report, the major proposed change to the Policy is for it to be an Interim Policy for a period of 12 months, with Council undertaking a detailed review of the Policy in June 2019.

In addition, a number of changes have been made to further clarify the understanding of various components of the draft Policy. Any changes made to the draft Policy are shown in red text and is provided here in **Appendix 2**.

**3. Examples of possible Council projects that could benefit from the introduction of this policy**

The following is an indicative list of the types of project that could be undertaken in Dubbo if sufficient funds were collected as a result of valve capture:

- Indoor Aquatic facility at the Dubbo Aquatic Leisure Centre, with an estimated value between \$8 million and \$10 million. The installation of a 25 metre indoor pool within the boundaries of the facility would enable year round swimming and programs such as learn to swim and aqua exercise.
- The construction of a 100m long, 3.3m wide, 5 span concrete footbridge over the Macquarie River to match the top of bank level on each side, on the general alignment of Alfred Street and being of similar functionality as the two existing Dubbo cycleway bridges i.e. shared by cyclists and pedestrians. The estimated cost is \$2,423,210 (2017). The purpose of the bridge is to improve connectivity for West Dubbo residents to the CBD, improve accessibility within the river corridor and to consolidate the Whylandra Street commercial/accommodation area with the CBD. The Dubbo Road Transportation Strategy to 2045 identifies this project as being prioritised for construction in the short term, however, the project is not funded.
- Upgrade of toilets and amenities in ex-Civic Centre component of the Dubbo Regional Theatre and Convention Centre. The cost of the project is \$850,000. The current number of toilets does not meet the Australian Building Standard for the capacity of the venue.

There is only one Accessible Toilet available and this is located in the female section. This necessitates opening the Theatre foyers in order that the uni-sex Accessible Toilet can be utilised, leading to increased costs of lighting, air-conditioning, cleaning and security for an event in the Convention Centre. The toilets in the Convention Centre are outdated and fall well below the expectations of potential hirers and attendees,

- Lighting upgrade for Dubbo CBD carparks (\$400,000). For example, the Holls Avenue off-street carpark is located off Brisbane Street, behind Macquarie Street Dubbo and bounded by Holls Avenue and Serisier Street, adjacent to the Central Business District. The off-street carpark is utilised by patrons of the Central Business District, staff of the local private and government offices and patients at the nearby specialist centres.

The carpark does not currently have any street lighting resulting in staff having to return to their vehicles in the cooler months in the dark.

There have been complaints from local businesses that staff and patrons utilising the carpark are being put at risk. The installation of street lighting would make the carpark safer for the public of Dubbo and would result in increased usage of the carpark. Other carparks in the CBD are similarly poorly serviced by lighting.

Smart lighting for all CBD Council carparks would cost around \$400,000 for the installation of smart technology that could increase lighting when movement is detected, advise drivers where empty spaces are located, provide advice to motorists when they are full, collect data on usage and where drivers are coming from/home address.

## SUMMARY

The draft Planning Agreement Policy was placed on public exhibition from Wednesday 18 April 2018 until Thursday 31 May 2018. A total of nine (9) submissions were received during the public exhibition period.

Following a review of submissions received, this report recommends that the draft Policy be adopted as an Interim Policy for a period of 12 months. This will allow Council to undertake a detailed review of the Policy following the initial 12 month period of operation.

Appendices:

- 1 [↓](#) Submissions
- 2 [↓](#) Draft Interim Planning Agreements Policy



OUR REF: RJD:DSJ:35885  
YOUR REF: File 11/63  
SJ:EM

28 May 2018

Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

Dubbo City	
Parcel.....	
Asset.....	11/63
30 MAY 2018	
File C.....	11/63

ATTENTION: STEVEN JENNINGS

Dear Mr Jennings

**RE: SUBMISSION IN RESPECT THE DRAFT PLANNING AGREEMENT  
POLICY, INCLUDING THE VALUE CAPTURE PROPOSAL**

We refer to your letter dated 10 May 2018.

We act for Bourke Securities Pty Ltd, Rice's Ridge Pty Ltd, Ian Keith Rice, Jessie Janet Rice, Mark Keith Rice, Regina Michelle Rice, Rebecca Rice-Ward and Anthony John Rice-Ward.

We are instructed that each of the abovenamed persons and entities objects to the implementation of Council's Draft Planning Agreement Policy.

Section 7.4(1) of the NSW Environmental Planning and Assessment Act 1979 enshrines that a Planning Agreement is a Voluntary Agreement between a Planning Authority and a Developer. Planning Agreements are initiated by developers when seeking a change to an Environmental Planning Instrument or when making a Development Application by which a developer will offer to dedicate land, pay a monetary contribution and / or provide another material public benefit in support of their Application or proposal.

Our clients record their objection to the introduction of any Planning Agreement regime by which the voluntary nature of such an Agreement might be replaced, contrary to legislative intention, by the imposition of an obligation to enter into an Agreement. It is significant that there is no mechanism to resolve any disagreement between the Council and the developer arising out of the negotiations as to the terms of a Planning Agreement. We seek confirmation that it is not intended that Planning Agreements will be mandated to accompany Planning Proposals or specified Development Applications.



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BY:





Our clients strongly oppose the introduction of Value Capture on the following basis:

- The Application of the concept appears to be mandatory as an accompaniment to a Planning Agreement in respect of a Planning Proposal or specified Development Applications.
- The concept has not been applied in any other country regional area in New South Wales.
- There has been no study carried out by Council to assess either whether the concept is warranted or sought by the local community.
- There has been no study undertaken to assess whether the percentage amount to be applied is fair and reasonable other than it is a discount from percentages that are applied in major metropolitan Council areas.
- There has been no study undertaken to determine whether this concept would affect predominantly local members of the community who participate in development activity at very considerable risk and expense, rather than affecting large national or international entities.
- There has been no study undertaken to determine whether there would be an adverse impact on the number of developments and therefore the growth of the City if the concept is introduced in Dubbo but not in other regional areas.
- The concept relies in part on what is referred to as the '*unearned increment*' to developers in land value increases arising from an instrument change. This expression does not take account the enormous investment that developers must expend in properly preparing a Planning Proposals, nor holding costs during the years taken to advance the proposals nor the fees paid to a raft of Consultants nor the tying up of the developers resources during the preparation of the Planning Proposal.
- There is no information as to when the amount of the Value Capture is paid. Any increase in value enjoyed by the developer following an instrument change is illusory until lots that are created from a Plan of Subdivision are sold. Often the developer will only receive a profit on its investment in the latter stages of the development, years after the Planning Proposal was approved. Accordingly it is unreasonable and unfair to require a developer to pay any proportion of the increase in value until the increase in value has been realised by the developer.

Yours faithfully  
Duffy Elliott Lawyers

Per:

Robert Duffy  
robert.duffy@duffyelliott.com.au



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29<sup>th</sup> May, 2018

Dubbo Regional Council,  
Attention: Strategic Planning Services Branch,  
PO Box 81,  
DUBBO. NSW. 2830

Via email: [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

CC:

Mayor Ben Shields: [clrben.shields@dubbo.nsw.gov.au](mailto:clrben.shields@dubbo.nsw.gov.au)  
Deputy Mayor Anne Jones: [clranne.jones@dubbo.nsw.gov.au](mailto:clranne.jones@dubbo.nsw.gov.au)  
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Councillor John Ryan: [clrjohn.ryan@dubbo.nsw.gov.au](mailto:clrjohn.ryan@dubbo.nsw.gov.au)

To Whom It May Concern,

**Re: Draft Planning Agreement Policy & Proposed Value Capture Policy**

I make this submission in response to the Draft Planning Agreement Policy which is currently on public exhibition at Dubbo Regional Council.

Having read the policy and in consultation with members of the community and a larger group of stakeholders, I have grave concerns if Council were to implement what is essentially a draconian cash grab, which I believe will have a devastating effect on the broader communities of Dubbo, Wellington and Villages within the amalgamated Dubbo Regional Council local government area.

I raise the following points in support of my opposition to this policy:

1. The policy has been promoted as a "Developer's Tax". Developers will have little option but to pass on increased costs to the consumers. The Value Capture Tax (VCT) will cascade down to consumers, resulting in increases to the price of land, increased house/land package prices, and will result in increased rents across the broader rental property market. It has the potential to severely impact upon housing construction, investment and employment opportunities across the broader community. The entire community will wear the brunt of this VCT, not just Developers.



## Real Estate

2. I see this as an intervention to free market transactions which will have unintended consequences which will lead to a substantial increase in land prices. The result will be that fewer land sales will take place, which will flow onto reduced dwelling approvals. This may well cause local builders to look for work in surrounding towns and cities. This has been a proven trend when the Dubbo property market becomes challenged and distressed.
3. Dubbo Regional Council (DRC) has used examples of Sydney Metropolitan Councils who have implemented like policies with VCT, yet no other Regional Councils within the State have implemented such a policy. These LGAs are totally different to Regional Councils. The use of this comparison is totally flawed.
4. The manner in which DRC has promoted the introduction of this policy has been disgraceful. Failure to write to the Building Industry, the REINSW Orana Division and other major developers and stakeholders needs to be viewed with suspicion and is unacceptable. The community as a whole has been poorly advised and has had little opportunity to interpret and fully understand the consequences of this policy. The so called leaders of the Community (the Mayor and CEO) are the ones who should have been at the fore front of this debate, explaining why a VCT is needed, the so called benefits it will achieve, and what would be the likely consequences to the broader community. Unfortunately these two gentlemen have been "missing in action" on this matter.

The information received states that land currently zoned R2 and within an Urban Release Area will not attract the VCT, and that it only becomes an issue if land is re-zoned. My concern is that existing supply of land within the City is rapidly being developed which will lead to an under supply of vacant land to build on in the not too distant future. History proves that Dubbo's growth over the past 50 years has been as a result of re-zoning farming land surrounding the City to residential. Clearly this will happen sooner rather than later if the City continues to grow at its current pace. Council will be developing a new LEP for the new Regional Council. Clearly there will be allocation of land for future residential purposes which will carry R1 and R2 re-zoning in the new LEP. It is to be assumed that all such land will be subject to this tax.

5. Other Regional Councils have lower land development costs than DRC. Adding a further impost upon Developers (proposed VCT) will result in Dubbo being totally uncompetitive and will lead to a mass exodus of builders and developers to other regional towns and cities. Dubbo needs to seriously review their costing structure for land development. Already under existing policy Developers have to do most of the "heavy lifting" with infrastructure, not to mention already high contributions required of developers.



## Real Estate

6. Councillors would do well to study the history and fluctuations in dwelling approvals over the past 46 years since Dubbo City Council itself became a land developer. History will confirm that the market can change for varying reasons. E.g. imposition of higher bank interest rates, the effects of drought on the overall economy, external political and economic influences etc. Periods to note include 1980-1982, 1984-1987, and the early 1990's. Activity in the residential sector can rapidly change through natural causes, let alone by imposition of a further tax/impost on the people producing the land for builders to build upon.
7. The timing for market intervention could not be worse. The past six (6) years have seen a steady growth in the local housing and property industry. House sales for the rolling 12 months to March 2018 stood at 801, which is a pleasing result. It should be pointed out, however, that the median house price has steadied between \$355,000 and \$365,000 over the same period. Average days on market for Dubbo have jumped from 64 days to 87 days and is trending upwards. This effectively means that the market is cooling through natural causes. Dubbo is also now drought declared. Now is clearly the wrong time to be intervening with the residential property sector.
8. The imposition of a VCT will result in a substantial increase in land cost, but not necessarily land value, attributable to natural market forces. This will be seen as a market intervention rather than an increase in market value due to market forces. This may result in an issue for banks and lending institutions relying upon recent market evidence to support loan applications.
9. Should DRC consider the introduction of such an impost in the future, better communication and total disclosure with the broader community and major stakeholders is essential. The Dubbo Housing Market is a major contributor to the local economy, and is responsible for the ongoing employment of a large workforce with families to support. The imposition of a VCT will have a flow on and adverse effect on the entire community. Should common sense prevail, this policy must be rejected.

Yours faithfully,  
Elders Real Estate

A handwritten signature in black ink, appearing to read "Graeme Stapleton".

Graeme Stapleton,  
Licensed Real Estate, Stock & Station and Business Agent.

**Real Estate**

31 May 2018

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Attention: Strategic Planning Services Branch  
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DUBBO NSW 2830  
Via email: [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

CC:

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Councillor John Ryan: [clrjohn.ryan@dubbo.nsw.gov.au](mailto:clrjohn.ryan@dubbo.nsw.gov.au)

To whom it may concern,

**Re: DRAFT PLANNING AGREEMENT POLICY & VALUE CAPTURE PROPOSITION**

We send this submission in response to the Draft Planning Agreement Policy currently on Public Exhibition for Dubbo Regional Council. In particular, our grave concerns lie with the proposed "Value Capture Tax" as part of this Agreement Policy.

After reading the Draft Planning Agreement Policy and also consulting with many members of the community and large stakeholders, we bring to you our major concerns and urge you to reject this proposal for the sake of Dubbo, Wellington and other communities within our Local Government Area:

1. This policy has been promoted as a "Developers' Tax" – Developers will have no choice but to pass on this tax to consumers. Such a Value capture tax (VCT) will flow to land price, house/land package price and rents; it has the potential to severely impact on housing construction, investment and jobs in the Dubbo community. The proposal is not a VCT on developers it is a tax on the entire Dubbo community. You say that the cost flow onto purchasers will be only minimal, so I struggle to understand the need for the VCT to be there in the first place.
2. It is an intervention to free market transactions which will result in unintended consequences and lead to a substantial increase in land prices. This will result in reduced





## Real Estate

sales of vacant blocks and a subsequent reduction in dwelling approvals, which will flow onto builders and sub-contractors.

3. Other Regional Councils have lower land development costs than DRC. Adding a further impost upon Developers (proposed VCT) will result in Dubbo being totally uncompetitive and I fear could lead to a decline in the amount of builders and developers looking to invest, take financial risk and develop in DRC. Already under existing policy Developers have to do most of the "heavy lifting" with infrastructure, not to mention already high contributions required of developers.
4. DRC has not engaged the community with the proposed introduction of the new tax. To not send a circular to all active residential builders is unacceptable. Why did DRC decide to exclude residential builders as not part of the "development industry"? The Dubbo regional council community has not had the opportunity to understand the VCT proposal. When such a new proposal is introduced by a Council it falls to the Mayor and CEO to articulate the details of the proposed VCT, explain why it is needed, what are the likely effects of the VCT on the community and how the income raised will be allocated. With respect this does not appear to have taken place. It would be expected the CEO and Mayor would have been active in making media releases and articulating the benefits the VCT would provide the community. With respect this has been very poorly handled by council. It was not until a media release on 2 May at 9.18 am, the CEO was extending an invitation to the community to attend a forum to be held the next day. Why couldn't council issue such a media release in the previous 4 weeks, since council meeting of 26 March 2018 adopted proposal for public exhibition.
5. Timing for market intervention is poor. The past six (6) years has seen steady growth in the local housing industry. House sales for the rolling 12 months to March 2018 was 801 sales, which is a great result! However, the median house price has remained steady over that 12 month period, fluctuating between \$355,000 and \$365,000. We have now been officially declared Drought affected, and the market is beginning to slow due to natural causes (average days on market has blown out from 64 days to 87 days). Now is the wrong time to be considering intervention into any part of the residential development sector.
6. The introduction of such an impost will impose a substantial increase in land cost not attributable to natural market forces. This may cause an immediate issue for Banks and other lenders who rely on recent sales evidence to support decisions to lend.
7. We strongly suggest DRC Councillors study the fluctuations in dwelling approvals over the last 46 years since Dubbo City Council commenced as a developer of residential land and note how quickly a change can occur from the high levels of approvals to low levels. In particular the period from 1980/1982, 1984/1987, then in the 1990's. These fluctuations suggest that the activity in the residential sector is subject to rapid change.
8. It is understood the general manager/CEO from his Burwood background may have introduced a tax to our councillors based on his experience in Burwood. From investigations this tax may have been brought in by Burwood Council on investors who are looking for a spot re-zoning and the council agreed to it as long as they could share in the profits. How is this relevant to Dubbo? Our developers have helped grow our city, have underpinned



## Real Estate

employment in so many areas that this tax could very well undermine the future growth of our city.

9. It would appear the VCT proposal is not supported by any business plan or modelling, and statements by Councillors indicate a general lack of understanding of the consequences of such a tax on the community. This Council and Councillors will share responsibility for future consequences of this tax as it impacts the community, from the residential sector in the future years.
  
10. We respectfully request Councillors to reject the proposed VCT. Go back to the drawing board and consider the full ramifications of the impact on the Dubbo economy of a Council imposed disruptor, at this time in the housing cycle, the current regional drought conditions and engage the whole Dubbo community but in particular the entire Residential construction sector to consider how such a VCT could be applied in the longer term in such a way -COUNCIL IS ASSURED THE INTRODUCTION OF SUCH A TAX WILL NOT PROVE A DISRUPTOR TO THE SECTOR OR ECONOMY AS IS LIKELY IF INTRODUCED NOW.

We thank Council for the opportunity to make a submission to the Public Exhibition process. We ask Councillors to reconsider proceeding with the proposal until all are persuaded beyond doubt that by introduction of such a policy there will be absolutely no risk to the residential sector, growth, jobs, investment or reputational damage to Dubbo. Our members remain always ready to act with council in a collaborative way to discuss any such proposals relating to Property generally but particularly the residential sector. We believe our association of 35 years can be maintained to the benefit of the community, during which time both organisations have successfully collaborated for the gain of the community.

Yours Faithfully,

A handwritten signature in black ink, appearing to read "Adam Wells".

Adam Wells

Registered Real Estate Consultant Elders Real Estate Dubbo



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31 May 2018

Dubbo Regional Council  
 Attention: Strategic Planning Services Branch  
 PO Box 81  
 DUBBO NSW 2830  
 Via email: [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au) & [steven.jennings@dubbo.nsw.gov.au](mailto:steven.jennings@dubbo.nsw.gov.au)  
 CC:

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 Deputy Major Anne Jones: [clranne.jones@dubbo.nsw.gov.au](mailto:clranne.jones@dubbo.nsw.gov.au)  
 Councillor Jane Diffey: [clriane.diffey@dubbo.nsw.gov.au](mailto:clriane.diffey@dubbo.nsw.gov.au)  
 Councillor Vicki Etheridge: [clrvicki.etheridge@dubbo.nsw.gov.au](mailto:clrvicki.etheridge@dubbo.nsw.gov.au)  
 Councillor David Grant: [clrdavid.grant@dubbo.nsw.gov.au](mailto:clrdavid.grant@dubbo.nsw.gov.au)  
 Councillor Dayne Gumley: [clrdayne.gumley@dubbo.nsw.gov.au](mailto:clrdayne.gumley@dubbo.nsw.gov.au)  
 Councillor Stephen Lawrence: [clrstephen.lawrence@dubbo.nsw.gov.au](mailto:clrstephen.lawrence@dubbo.nsw.gov.au)  
 Councillor Greg Mohr: [clrgreg.mohr@dubbo.nsw.gov.au](mailto:clrgreg.mohr@dubbo.nsw.gov.au)  
 Councillor Kevin Parker: [clrkevin.parker@dubbo.nsw.gov.au](mailto:clrkevin.parker@dubbo.nsw.gov.au)  
 Councillor John Ryan: [clriohn.ryan@dubbo.nsw.gov.au](mailto:clriohn.ryan@dubbo.nsw.gov.au)

To whom it may concern,

**Re: DRAFT PLANNING AGREEMENT POLICY & VALUE CAPTURE PROPOSITION**

We send this submission in response to the Draft Planning Agreement Policy currently on Public Exhibition for Dubbo Regional Council. In particular, our grave concerns lie with the proposed "Value Capture Tax" as part of this Agreement Policy.

After reading the Draft Planning Agreement Policy and also consulting with many members of the community and large stakeholders, we bring to you our major concerns and urge you to reject this proposal for the sake of Dubbo, Wellington and other communities within our Local Government Area:

1. This policy has been promoted as a "Developers' Tax" – Developers will have no choice but to pass on this tax to consumers. Such a Value capture tax (VCT) will flow to land price, house/land package price and rents; it has the potential to severely impact on housing construction, investment and jobs in the Dubbo community into the future. The proposal is not a VCT on developers it is a tax on the entire Dubbo community.
2. It is an intervention to free market transactions which will result in unintended consequences and lead to a substantial increase in land prices. This will result in reduced sales of vacant blocks and a subsequent reduction in dwelling approvals, which will flow onto builders and sub-contractors.





## Real Estate

The information received in flier form, states that land currently Zoned R2 and within an Urban Release Area will not attract the VCT, and that it only becomes an issue if the land is re-zoned. The policy itself, however, is quite ambiguous in the wording around this.

Our concern is that existing supply of land within the City is rapidly being developed which will lead to an under supply of vacant land to build on in the not too distant future. History proves that Dubbo's growth over the past 50 years has been as a result of re-zoning farming land surrounding the City to residential. Clearly this will happen sooner rather than later if the City continues to grow at its current pace. Council will be developing a new LEP for the new Regional Council; clearly there will be allocation of land for future residential purposes which will carry R1 and R2 rezoning in the new LEP. It is to be assumed that all such land will be subject to this tax.

3. Timing for market intervention is poor. The past six(6) years has seen steady growth in the local housing industry. House sales for the rolling 12 months to March 2018 was 801 sales, which is a great result! However, the median house price has remained steady over that 12 month period, fluctuating between \$355,000 and \$365,000. We have now been officially declared Drought affected, and the market is beginning to slow due to natural causes (average days on market has blown out from 64 days to 87 days). Now is the wrong time to be considering intervention into any part of the residential development sector.
4. Other Regional Centres do not have the same level of land development costs as DRC. Imposition of a further Tax will result in Dubbo grinding to a standstill, and Developers leaving the City for more affordable options in other Regional centres. Speaking with local builders, they already know that Dubbo land is expensive, and know that their fellow franchise holders in other centres, i.e. Wagga have cheaper land prices due to less Council contribution taxes.
5. DRC has used Sydney Metropolitan councils as a means of justification for the introduction of the Value Capture Tax. They are not comparing "Apples with Apples", but rather "Apples with Lemons". We believe there should be further research around regional markets conducted and modelling around our local economy and development to see the likely impact directly to our community. At this stage, no actual data has been provided outside the basic information of the Sydney Metro policies. Commentary on the policy from Mayor Kidd from Orange has stated that they would not be looking at introducing such a tax on their community and as far as we are aware, there have be no other public statements from other regional councils to suggest they would be considering a similar policy.
6. The overall promotion of this change by DRC we feel has been poor. Confirmation of this was seen at the Developers Forum, which the majority of attendees had no idea was happening until we were within 24 hours of the event being held. Failure to write to the Building Industry, the REINSW Orana Division and other stakeholders advising of the biggest tax ever introduced, and Dubbo being the only regional city to contemplate introducing such a tax, is certainly questionable and seems quite strange. It also seems very strange to exclude residential builders as part of the "Development Industry" and not send them information directly in relation to this when it was sent to other "stakeholders". The DRC community has not had the opportunity to understand the VCT proposal. When such a new proposal is



## Real Estate

introduced by a Council, it falls to the CEO and all Councillors to articulate the details of the proposed VCT, explain why it is needed, what are the likely effects of the VCT on the community and how the income raised will be allocated.

7. The introduction of such an impost will impose a substantial increase in land cost not attributable to natural market forces. This may cause an immediate issue for Banks and other lenders who rely on recent sales evidence to support decisions to lend. Have Council met with Valuers to discuss this potential issue?
8. In the future DRC may, with due consultation with the community revisit the proposed VCT, and consider how and when it could be introduced at a lower level on a sliding scale with increases say each 3/5 years so it did not intervene as a disruptor in the housing and job market. Such a time would take into account the residential housing cycle at the time. At the present time Dubbo is enduring one of the driest times in the last 100 years, and a continuation will see an unknown economic impact on the region and Dubbo. One of the cornerstones of a strong job market in Dubbo is the residential housing sector. This might be critical to maintaining the Dubbo economy to offset the impact of the drought conditions on the region.

We cannot stress enough our genuine concern for the impact that such a VCT will have on our community, from housing affordability through to employment and growth, going forward to developments and rezoning of land in the future. We feel that it is completely inappropriate for the residential sector of our LGA.

We sincerely hope you consider carefully our issues raised and choose to at this time, reject this proposal until further modelling, planning and research can be undertaken to find the right fit for our regional market.

As the short term impact may appear to be fairly insignificant, into the future we have genuine concerns for the continued attractiveness and affordability for developers to come to Dubbo and surrounding towns in the LGA.

Yours faithfully,  
**Elders Real Estate**

A handwritten signature in black ink, appearing to read "Blanche Robinson".

Blanche Robinson  
Licensed Real Estate Agent



CEO  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

RE: DRAFT POLICY FOR PLANNING AGREEMENTS AND VALUE CAPTURE PROPOSAL

We refer to the public display of the abovenamed proposal.

For the following reasons, we strongly oppose the introduction of the proposed Value Capture Tax (or VCT):

- 1. There is insufficient evidence of what the benefit will be to our community;
- 2. There is a lack of research into the negative impact of possible flow-on ramifications to the wider community;
- 3. There has been inadequate consultation with industry stakeholders;
- 4. A poorly planned and implemented policy like this has the potential to demonstrate economic naivety in our region's governance.

We thank you for the opportunity to make a submission to the Public Exhibition process. As a fledgling business in our thriving community, we earnestly request the proposal in it's current form is rejected. We would be interested to see an amended proposal after sufficient research and economic forecasting has been undertaken.

Yours sincerely,

Samuel Shooter and Laura Shooter  
Directors, SJ Shooter Real Estate

Dubbo City
Parcel.....
Asset..... <i>1425</i>
01 JUN 2018
File C..... <i>11/23</i>

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**STARJEST CONSTRUCTIONS**  
 COMMERCIAL & DOMESTIC CONSTRUCTIONS  
 DUBBO & WESTERN REGION



May 31<sup>st</sup>, 2018.

The CEO,  
 Dubbo Regional Council,  
 PO Box 81,  
 Dubbo NSW 2830

[council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

**ATTENTION: DIRECTOR OF PLANNING & ENVIRONMENT.**

**RE: Draft Planning Agreement Policy.**

Dear Sir,

Following the Community Consultation meeting and subsequent perusal of the draft Planning Agreement Policy, we wish to register our objection to this Draft Planning Policy being implemented.

The reasons for our objection are outlined in the following two pages.

It is also noted that the manner in which the community was notified of the Draft Planning Policy Exhibition period was poorly carried out with many professionals within the industries of building, developing and associated professions only becoming aware of the policy through a media story in the Daily Liberal immediately prior to the Stakeholder Forum.

Please do not hesitate to contact the undersigned, should you wish to clarify any of the points raised in this objection.

Yours faithfully,

Neil J. O'Connor  
**Director**

Jennifer L. O'Connor  
**Administration Manager**

Dubbo City
Parcel.....
Asset..... <i>1163</i>
01 JUN 2018
<i>1163</i>
.....
.....

P.O. Box 1835 Dubbo N.S.W. 2830

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**Points of Objection:**

**1. Doubling up of Fees imposed on Developers.**

"Planning Agreements are used within the planning system as a tool to achieve innovative and flexible funding and delivery of infrastructure, facilities and services to support new development". If this is the case, then why are developers made to pay Contributions (formerly known as Section 92 and 94 Contributions) as part of a Development Application? These contributions are designed to provide infrastructure, space and recreation and services.

**2. Money grab that will either turn developers away or make ratepayers pay for it.**

"Value Capture where Council captures a share of the profits of a developer's value increase". Isn't a profit part of the reward in being a developer? A developer risks losing substantial amounts of money if the development they propose does not sell or come to fruition. It is already difficult enough for Developers to secure funds to carry out developments as many banks are now refusing to support development and developers as they are seen as a risk. Why is Council wanting to take a further part of the profit being made by developers?

By Council taking a portion of the profit, this further reduces that ability of the Developer to sell at a cost-effective sales price. The developer will increase the end sales price whereby the ratepayer will need to pay an inflated price for the commodity resulting in them either paying the Value Capture added cost to the developer or choosing not to purchase at an increased price. This will result in a reduction in the level of property sales in an area.

Investors will be turned off the idea of purchasing investment properties if the cost of the property has been inflated to cover the Council's Value Capture fee. For the investor to recoup their costs on a purchase will mean increasing the charges for rent further reducing the prospect of affordable housing for lower to middle income earners.

**3. No successful example of Value Capturing advantages in regional NSW.**

It is noted that NO REGIONAL COUNCIL has undertaken the Value Capture proposal in New South Wales. Metropolitan and Coastal councils are not a comparison to regional councils. Why does Dubbo Regional Council want to be the "Guinea Pig" in this endeavour and risk losing the Developers we currently have in the Dubbo Council area.

Council needs to identify where the Developers in Dubbo are coming from. They are not overseas Developers nor Metropolitan Developers. Dubbo Developers are local people many of whom have lived and worked in Dubbo most of their lives. These developers look to employ and contract local people to complete the development works resulting in a healthier local economy.

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These Developers are people who have a history with Dubbo and a vested interest in ensuring Dubbo continues to grow and flourish as a regional centre. Many Developers have raised families in the Dubbo area and are keen to grow Dubbo so that people are encouraged to move here and invest here. Development encourages Dubbo-bred people who have moved away to return to Dubbo with new qualifications and businesses to add to the growing economy.

A Value Capture Fee / Tax would only become a "handbrake" to development in the Dubbo Regional Council area.

**4. The Value Capture Agreement structure leaves it open to corruption by both parties.**

As the Planning Agreement must be agreed upon by both Council and the Developer, this grey area leaves the agreement process open to corruption. "Council and the developer must agree on an acceptable value". Who governs this? Who determines what the value percentage should be with one developer as opposed to another?

Dubbo Regional Council in the past has been a developer. Who determines how much Value Capture Council should pay themselves? In the scenario that Council was to have to pay itself a Value Capture Fee, where would the funds be raised from – Ratepayers?

How can favouritism of certain developers be avoided by Council? What stops the amount levied for the Value Capture being reduced because one developer does more work in Dubbo than another or due to a relative influencing the process within Council. While these examples are speculative, what prevents this from occurring?

**5. Transparency across the planning process.**

Council has stated that it is "required to consider any submissions made during the public exhibition period". The public exhibition period allows for submissions to be made anonymously. How is this transparent and what stops proponents of the Value Capture Tax to make submissions for or against their agreement to further benefit their cause?

**6. Valuations.**

An additional cost to a Developer is with Council engaging a registered Valuer or Quantity Surveyor to review information in respect of land valuation. Although Council will be the beneficiary of the Value Capture, there is an additional cost for the Valuation to be borne by the Developer.

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**7. Council as a Developer.**

Dubbo Regional Council has been acting in the capacity of a land developer in Dubbo for several decades. One needs to question if the addition of the Value Capture policy is a way for Council to discourage private developers from working in Dubbo so that surrounding land can be further developed by Council themselves.

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Mobile: 0475 497 047 Email: starjest1@bigpond.com



31 May 2018

CEO  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

Dubbo City	
Parcel.....	
Asset.....	11/13
01 JUN 2018	
File C.....	11/13
.....	
.....	

## RE: DRAFT POLICY FOR PLANNING AGREEMENTS AND VALUE CAPTURE PROPOSAL

We refer to the public display of the abovenamed proposal, and our letters of 30 April and 2 May to General Manager.

OUR MEMBERS WISH TO STRONGLY OPPOSE THE INTRODUCTION OF A VALUE CAPTURE TAX (VCT) WHICH MAY BURDEN THE ENTIRE DUBBO COMMUNITY, FOR THE FOLLOWING REASONS:

1. Since Dubbo Council acquired the so called "square kilometre of land" in the early 1970's residential land development has resulted from rezoning the farmlands to residential subdivisions. It is that development and growth which has been a cornerstone of the modern city of Dubbo and has allowed the population to grow to approx. 43,000 now from the then population of under 20,000. In the future if the city is to grow it will require continued expansion into rural zoned areas, and much of these rezoning's can be caught by the VALUE CAPTURE TAX.
2. This proposal has been marketed as a "Developers tax". That is deceptive and misleading, as the tax which DRC seeks to collect will be passed onto the community by a developer, and paid for in increased land prices, increased house/land package price, and residential rents, as it is passed down the chain.
3. THE RESIDENTIAL SECTOR OF DUBBO IS WORTH \$415 MILLION TO THE DUBBO ECONOMY. (2016 figures- Source: REINSW- Orana Division submission to Administrator, Western Plains Regional Council. 23 May 2016, seeking the reinstatement of Dubbo to the title of the amalgamated Council). It may be this figure has grown up to \$450/ \$500M currently given the increase in turnover for residential building, house sales and residential property under rent.
4. Such a Value capture tax (VCT) which will flow to land price, house/land package price and rents has the potential to severely impact on housing construction, investment and jobs in the Dubbo community. The proposal is not a VCT on developers it is a tax on the entire Dubbo community.
5. To consider introducing such a VCT on the residential housing sector which is at the end of a 6-year growth cycle is very poor governance and economic management, by Dubbo Regional Council.
6. We strongly suggest DRC Councillors study the fluctuations in dwelling approvals over the last 46 years since Dubbo City Council commenced as a developer of residential land and note how quickly a change can occur from the high levels of approvals to low levels. In particular the period from 1980/1982, 1984/1987, then in the 1990's. These fluctuations suggest that the activity in the residential sector is subject to rapid change.
7. DRC has not engaged the community with the proposed introduction of the new tax. To not send a circular to all active residential builders is unacceptable. Why did DRC decide to exclude residential

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Acting Chairperson: Bob Berry - 02 6882 6822 [bberry@bobberry.com.au](mailto:bberry@bobberry.com.au)  
Acting Deputy Chairperson: Graeme Stapleton - 02 6881 7800 [graeme.stapleton@elders.com.au](mailto:graeme.stapleton@elders.com.au)  
Secretary/Treasurer: Shayna Chapman - 02 6882 6822 [schapman@bobberry.com.au](mailto:schapman@bobberry.com.au)



builders as not part of the "development industry"? The Dubbo regional council community has not had the opportunity to understand the VCT proposal. When such a new proposal is introduced by a Council it falls to the Mayor and CEO to articulate the details of the proposed VCT, explain why it is needed, what are the likely effects of the VCT on the community and how the income raised will be allocated. With respect this does not appear to have taken place. It would be expected the CEO and Mayor would have been active in making media releases and articulating the benefits the VCT would provide the community. With respect this has been very poorly handled by council. It was not until a media release on 2 May at 9.18 am, the CEO was extending an invitation to the community to attend a forum to be held the next day. Why couldn't council issue such a media release in the previous 4 weeks, since council meeting of 26 March 2018 adopted proposal for public exhibition.

8. In the future DRC may with due consultation with the community revisit the proposed VCT, and consider how and when it could be introduced at a lower level on a sliding scale with increases say each 3/5 years so it did not intervene as a disruptor in the housing and job market. Such a time would take into account the residential housing cycle at the time. At the present time Dubbo is enduring one of the driest times in the last 100 years, and a continuation will see an unknown economic impact on the region and Dubbo. One of the cornerstones of a strong job market in Dubbo is the residential housing sector. This might be critical to maintaining the Dubbo economy to offset the impact of the drought conditions on the region.
9. It is understood the general manager/CEO from his Burwood background may have introduced a tax to our councillors based on his experience in Burwood. From investigations this tax may have been brought in by Burwood Council on investors who are looking for a spot re-zoning and the council agreed to it as long as they could share in the profits. How is this relevant to Dubbo? Our developers have helped grow our city, have underpinned employment in so many areas that this tax could very well undermine the future growth of our city.
10. The community including those potentially impacted by the VCT has no understanding of the details of this proposal. It is a fact Council did not send out a letter about the proposal until 24 April 2018 about two weeks after it was placed on Public Exhibition. When the information was available from 27 March why did Council delay, in acting on the resolution "That information regarding the draft policy be provided to the local development industry via an information circular". This was not done, until information circulars were provided at the Forum held on 3 May.
11. We respectfully request Councillors to reject the proposed VCT. Go back to the drawing board and consider the full ramifications of the impact on the Dubbo economy of a Council imposed disruptor, at this time in the housing cycle, the current regional drought conditions and engage the whole Dubbo community but in particular the entire Residential construction sector to consider how such a VCT could be applied in the longer term in such a way -COUNCIL IS ASSURED THE INTRODUCTION OF SUCH A TAX WILL NOT PROVE A DISRUPTOR TO THE SECTOR OR ECONOMY AS IS LIKELY IF INTRODUCED NOW.
12. It would appear the VCT proposal is not supported by any business plan or modelling, and statements by Councillors indicate a general lack of understanding of the consequences of such a tax on the community. This Council and Councillors will share responsibility for future consequences of this tax as it impacts the community, from the residential sector in the future years.

We thank Council for the opportunity to make a submission to the Public Exhibition process. We ask Councillors to reconsider proceeding with the proposal until all are persuaded beyond doubt that by introduction of such a policy there will be absolutely no risk to the residential sector, growth, jobs, investment or reputational damage to Dubbo. Our members remain always ready to act with council in a collaborative way to discuss any such proposals relating to Property generally but particularly the residential sector. We believe our association of 35 years can be maintained to the benefit of the community, during which time both organisations have successfully collaborated for the gain of the community.

Yours Faithfully  
REAL ESTATE INSTITUTE of NSW- ORANA DIVISION



RL BERRY- Acting Chairperson



Graeme Stapleton- Acting Deputy Chairperson

Real Estate Institute NSW - Orana Division, PO Box 1687, Dubbo NSW 2830  
Acting Chairperson: Bob Berry - 02 6882 6822 [bberry@bobberry.com.au](mailto:bberry@bobberry.com.au)  
Acting Deputy Chairperson: Graeme Stapleton - 02 6881 7800 [graeme.stapleton@elders.com.au](mailto:graeme.stapleton@elders.com.au)  
Secretary/Treasurer: Shayna Chapman - 02 6882 6822 [schapman@bobberry.com.au](mailto:schapman@bobberry.com.au)

Tuesday 31<sup>st</sup> May 2017

The General Manager  
Dubbo Regional Council

Attention: Steven Jennings, Manager City Strategy Services

Dear Steve,

**Draft Planning Agreement Policy Including the concept of Value Capture**

I refer to Councils currently exhibited 'Draft Planning Agreement Policy' (Policy) and Councils request of the community for submissions in response to the draft policy.

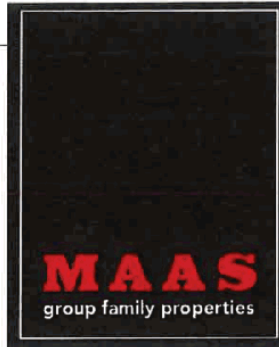
Agreements have been created to allow flexibility and innovation in infrastructure so that the whole community can benefit from development.

In accordance with the *Environmental Planning and Assessment Act 1979* (Act) only an Applicant can propose a Planning Agreement (Agreement) to a Council and a Council cannot require via a condition of consent the requirement to enter into an Agreement. The Act and *Environmental Planning and Assessment Regulations 2000* (Regs) also specifically details how, why and what is to be included within such an Agreement.

The Department of Planning & Environment NSW has published a draft planning circular (2017) to provide guidance and advice on how Agreements are to be made and formulated based upon the same provisions within the Act and Regs. In this regard I respectfully question the need to add another layer of policy to an already detailed pathway.

Notwithstanding the above concern, should Council wish for a clearer internal assessment pathway of Agreements for its Officers then I believe a simple 'flow chart' or 'code of conduct' of how Council staff report Agreements to Council for consideration and discussion by Councillors. It is noted that other regional Councils operate a similar framework.

I was present at Councils May Development Forum during which the concept of 'value Capture' and its application was discussed. Unfortunately, during this discussion, I found the 'value capture' concept concerning as it seems naive and counterproductive to growth and the provision of housing and significant development investment and employment opportunities for the Dubbo and Wellington Government Area.



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Prior to the meeting I had assumed that this concept had been prepared based upon advice from land valuers and economists with a regional focus and that it would be as an alternative to the payment of current development contributions. Unfortunately, council staff confirmed no such modelling or advice had been undertaken or considered and that it would be in addition to the current development contributions. In this regard I have significant concerns over the economic impact such a concept would have upon the development industry across Dubbo and Wellington.

For residential subdivision development in the South East Urban Release Area of Dubbo the development contributions per lot are \$26,231.46. Our review of other Evo-city development contributions identified the following:

Orange (Shiralee & Phillip Street)	\$20,000.00 per lot
Wagga Wagga	\$18,199.00 per lot
Tamworth (Calala)	\$14,055.00 per lot
Bathurst	\$5,575.00 per lot

Dubbo has the highest development contributions per residential allotment of these Evo-cities. The comparison of Dubbo to other Evo-cities should be the benchmark and not the metropolitan cities mentioned in the Policy.

Development contributions are passed onto consumers through the end price of the product. They are classified by developers as a 'cost' like all other government fees and charges during the assessment of the development feasibility. Regarding housing this makes the cost or affordability of housing in the city less attractive to developers when compared to similar development opportunities i.e. other Evo-cities.

When a 20% value capture is applied in addition to current development charges in the Dubbo and Wellington areas it is our view that such development becomes financially unpalatable and unfeasible. Therefore, development would not proceed to Council for determination. In this regard a proposal by a developer to for such an agreement would not go anywhere and the landowner or developer would simply go elsewhere and the land remain undeveloped.

The application of value capture to developments over 50 lots and large development unfairly impacts such development and promotes small spasmodic growth and investment and therefore does not promote growth and investment in a greater form.

In this respect I believe that the concept of value capture would have a negative effect of reducing confidence in the Dubbo and Wellington development market with resultant impacts of stalled or limited growth outside existing development. In this regard the concept of value capture is not supported.

In response to concerns regarding the policy being naive and counterproductive to growth including the provision of housing and significant development investment and subsequent employment opportunities could Council confirm:

- That the 20% Value Capture concept would be applied in addition to the current development contributions for Dubbo and Wellington;
- That economic modelling has been undertaken by land and property valuers and economists to understand and inform the policy including the full economic impact upon property prices, housing affordability, the economic feasibility of development investment and confidence for Dubbo and Wellington;

We believe an audit and review of all current Section 94 and 64 contribution plans and policies would be far more productive and proactive to assist in guiding and funding infrastructure for growth, noting these policies are dated and rely upon supporting data that is also dated.

Dubbo has the highest development contributions when compared to other Evo-cities. Many other Evo-cities have more enablers that attract people, families, to migrate to them:

- Distance from capital cities;
- Distance from coast line;
- Education Institutions (e.g. Universities, College of Tourism & Business);

Dubbo currently has the most affordable median house price of all Evo-cities at \$355,000.00 which is also less than that of Orange and Bathurst at \$380,000.00 and Wagga Wagga at \$405,250.00.

The Policy if adopted would simply add another cost to the consumer and business investment and slow down the growth and development of Dubbo and Wellington.

Thankyou for the opportunity to comment upon the draft policy, should you wish to discuss my submission further please do not hesitate to contact me.

Yours faithfully,



Steve Guy  
**General Manager**  
**Maas Group Family Properties**



9

**Margie Clatworthy**

---

**From:** Steven Jennings  
**Sent:** Thursday, 31 May 2018 4:01 PM  
**To:** Records Mailbox  
**Subject:** FW: Value Capture proposal

Please Trim

**Steven Jennings**  
Manager Strategic Planning Services  
Dubbo Regional Council  
P 02 6801 4000 F 02 6801 4259  
E [Steven.Jennings@dubbo.nsw.gov.au](mailto:Steven.Jennings@dubbo.nsw.gov.au)

---

**From:** Eric Smith <[eric@dohertysmith.com.au](mailto:eric@dohertysmith.com.au)>  
**Sent:** Thursday, 31 May 2018 3:42 PM  
**To:** Steven Jennings <[Steven.Jennings@dubbo.nsw.gov.au](mailto:Steven.Jennings@dubbo.nsw.gov.au)>  
**Subject:** Value Capture proposal

Good afternoon Steve,

I was hoping to have time to prepare a comprehensive submission in relation to the draft planning agreement policy relating to value capture. Unfortunately, I am dealing with some personal issues at the moment and have not been able to devote my attention to it for any substantial amount of time. I apologise, however circumstances are not ideal for me at the moment.

My impression of the proposal is that it is dealing with subjective figures, when referring to an increase in land value due to rezoning. My suggestion is, rather than take a percentage of the increase in land value, change the fee structure for planning proposals so that developers are able to see ahead of time what the expenses are likely to be. This would also provide Council with more surety in terms of a possible return than a percentage of an increase in value of land, which is an ethereal figure and subject to interpretation.

I apologise for not being able to prepare a more formal response.

Kind Regards,

Eric Smith  
B.Surv. MIS Aust  
Consulting Surveyor

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# COUNCIL POLICY

## Planning Agreements (Interim)

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**Council Resolution Date**

**Clause Number**

**Responsible Position** Director Planning and Environment

**Branch** Strategic Planning Services

**Division** Planning and Environment

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Description	Date
Notes	

## POLICY

### PURPOSE

This Policy establishes a framework to guide the preparation of Planning Agreements. The purpose of this Policy is:

- (a) To establish an efficient, fair, transparent and accountable framework governing the use of planning agreement by the Council;
- (b) To enhance planning flexibility for Council and development proponents through the use of planning agreements;
- (c) To enhance the range and extent of development contributions made by development towards public facilities;
- (d) To set out the Council's specific policies on the use of planning agreements; and
- (e) To establish the method of calculating the contributions associated with land value capture.

### BACKGROUND AND RELATED LEGISLATION

This Policy sets out Dubbo Regional Council's policy and procedures relating to planning agreements under the Environmental Planning and Assessment Act, 1979.

### SCOPE

This policy applies to any proposed application by a developer for an instrument change or for development consent relating to any land in the Dubbo Regional Local Government Area.

### DEFINITIONS

To assist in interpretation, the following definitions apply:

Term	Definition
Act	Environmental Planning and Assessment Act, 1979
Development Application	Has the same meaning as in the Act
Instrument change	A change to an environmental planning instrument to enable a development application to be made to carry out development the subject of a planning agreement
Planning Agreement	A voluntary agreement between one or more planning authorities and a Developer: (a) who seeks to change an environmental planning instrument which may be for rezoning or other purpose); or (b) who has made, or proposes to make a Development Application
Planning benefit	A development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community



Planning obligation	Obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution
Public	The community as a whole or, where context requires, a section of the community
Public benefit	The benefit enjoyed by the public as a consequence of a development contribution
Public facilities	Public infrastructure, facilities, amenities and services
Public purpose	Includes (without limitation) any of the following: (a) The provision of (or the recoupment of the cost of providing) public amenities or public services; (b) The provision of (or the recoupment of the cost of providing) affordable housing; (c) The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land; (d) The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or other infrastructure; (e) The monitoring of the planning impacts of a development; and (f) The conservation and enhancement of the natural environment.
Regulation	The Environmental Planning and Assessment Regulation, 2000

## POLICY

### 1. Strategic objective for the use of Planning Agreements

The Council's strategic objectives with respect to the use of Planning Agreements are as follows:

- (a) To provide an enhanced and more flexible development contributions system for Council;
- (b) To supplement or replace, as appropriate, the application of Section 7.11 and 7.12 of the Act to development;
- (c) To give all stakeholders in development greater involvement in determining the type, standard and location of public facilities and other public benefits;
- (d) To allow the community, through the public participation process under the Act, to gain an understanding as to the redistribution of the costs and benefits of development in order to realise community preferences for the provision of public benefits; and
- (e) To lever planning benefits from development wherever appropriate.

### 2. Fundamental principles governing the use of planning agreements

The Council's use of planning agreements will be governed by the following principles:

- (a) Planning decisions may not be bought or sold through planning agreements;

- (b) Development that is unacceptable on planning grounds will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms;
- (c) The Council will not allow planning agreements to improperly influence the exercise of its functions under the Act, Regulation or any other Act or law;
- (d) The Council will not use planning agreements for any purpose other than for a planning purpose;
- (e) The Council will not seek benefits under a planning agreement that are unrelated to particular development;
- (f) The Council will not allow the interests of individuals or groups to outweigh the public interest when considering a proposed planning agreement; **and**
- (g) The Council will not improperly rely on its statutory position in order to extract unreasonable public benefits from developers under planning agreements.

### **3. Circumstances in which Council will consider negotiating a Planning Agreement**

The Council may negotiate a Planning Agreement with a developer in connection with any proposed application by the developer for an instrument change or for development consent relating to any land in the Dubbo **Regional** Local Government Area.

Some examples of circumstances where Planning Agreement may be appropriate include:

- (a) To compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration;
- (b) Meet the demands created by the development for new public infrastructure, amenities and services;
- (c) Address a deficiency in the existing provision of public facilities in the Council's Local Government Area;
- (d) Achieve recurrent funding in respect of public facilities;
- (e) Prescribe inclusions in the development that meet specific planning objectives of the Council;
- (f) Monitor the planning impacts of development; and
- (g) Secure planning benefits for the wider community.

The acceptance of an offer to enter into a planning agreement is at the absolute discretion of Council.

#### 4. Acceptability test to be applied to all Planning Agreements

The Council will apply the following test in order to assess the desirability of a proposed planning agreement:

- (a) Is the planning agreement directed towards a proper or legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the circumstances of the case?
- (b) Does the planning agreement result in a public benefit?
- (c) Does the planning agreement provide for a reasonable means of achieving the relevant purpose?
- (d) Can the planning agreement be taken into consideration in the assessment of the relevant rezoning application or development application?
- (e) Will the planning agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?
- (f) Are there any relevant circumstances that may operate to preclude the Council from entering into the proposed planning agreement?

#### 5. Value Capture

Value capture is a mechanism implemented through a Planning Agreement by which the Council captures for the community's benefit, a share of the unearned increment to developers in land value increases arising from an instrument change.

**For the purposes of this Policy, Council will seek 20% Value Capture in certain circumstances as included in this Policy.**

Value capture is distinguishable from development contribution mechanisms under Section 7.11 and 7.12 of the Act in that it is focused on value sharing between the Council on behalf of the community and developers rather than the provision of costs to Council to address particular impacts of development such as the need for public open space and recreational facilities, community facilities, road improvements and traffic management.

In negotiating such a Planning Agreement, the effect on the economic viability of the proposed development will be an important consideration in establishing the amount of development contribution or whether the Planning Agreement will contain a value capture component.

The formula for calculating a monetary contribution associated with value capture is provided below:

$$C = \frac{RLV(2) - RLV(1)}{1/5}$$

C = Monetary contribution

RLV (2) = Residual land value of a site following an Instrument Change to the Dubbo Local Environmental Plan 2011 or the Wellington Local Environmental Plan 2012 which allows for an intensified development outcome on the land.

RLV (1) = Residual value of a site under the existing provisions of the Dubbo Local Environmental Plan 2011 or the Wellington Local Environmental Plan 2012.

1/5 = 20% Value Capture component

Council may engage appropriate specialists to review information provided by the developer. Costs incurred by the Council will be met by the developer.

Value capture will be applied to Planning Agreements where an amendment is sought to an Environmental Planning Instrument (Instrument Change) in the following circumstances:

- Development within an Urban Release Area; and
- Commercial development.

Value capture will be applied to only the following development applications:

- State Significant development; and
- Extractive industries.

However, in respect of development within an Urban Release Area, this development must result in a density increase of in excess of 50 lots.

#### 6. Relationship to Section 7.11 or Section 7.12 contributions

Normally public benefits in Planning Agreements are additional to required contributions. By exception, a Planning Agreement may partly or fully exclude the application of section 7.11 or section 7.12 contributions in relation to developments, the subject of a Planning Agreement.

The ability in a Planning Agreement to partly or wholly exclude the application of section 7.11 or section 7.12 contributions gives Council a degree of flexibility to redistribute the financial, social and environmental costs and benefits of a development. This flexibility provides the opportunity to address issues that may not have been anticipated or may not be able to be appropriately addressed with the more rigid requirements of section 7.11 or section 7.12 contributions.

Where a Planning Agreement partly or fully excludes the application of section 7.11 or section 7.12 contributions, the Act prevents Council from imposing a condition of development consent requiring the payment of those contributions except to the extent that it requires the payment of the balance of those contributions where the Planning Agreement only partly excludes them.

A Planning Agreement may also exclude the benefits provided under such agreement being considered in the assessment of section 7.11 or section 7.12 contributions. In such cases, the Act precludes the application of section 7.11(6) which would otherwise require the consideration of any land, money or material public benefit contributed to the consent authority when assessing section 7.11 contributions or 7.12 contributions.

#### **7. Public notification**

A Planning Agreement cannot be entered into, amended or revoked unless public notice is given and the Planning Agreement is first made publicly available for inspection for a minimum period of 28 days.

If the Planning Agreement is in connection with a Development Application, the public notice shall be given, if practicable, as part of the public notification of the Development Application.

If the Planning Agreement is in connection with a proposal for an Instrument Change, the public notice shall be given, if practicable, as part of any public notice of the relevant planning proposal.

Amendments may be required as a result of public submissions or for other reasons. Where amendments are required to a draft Planning Agreement, the amended draft Planning Agreement may be re-exhibited at Council's discretion.

#### **8. Pooling of Development Contributions**

Where a proposed planning agreement provides for a monetary contribution by the developer, the Council may seek to include a provision permitting money paid under the agreement to be pooled with money paid under other planning agreements. Pooling may be appropriate to allow public benefits to be provided in a fair and equitable way, particularly essential infrastructure anywhere in the Dubbo Regional LGA.

#### **9. Methodology for valuing public benefits under a Planning Agreement**

The value of a benefit proposed under a Planning Agreement will be determined prior to the agreement being publicly notified.

##### **a) Dedication of land**

Where the Development Contribution under a Planning Agreement includes the dedication of land and the value of that land is to be taken into account, Council may seek the services of an appropriately qualified land valuer as appointed by Council and at the cost of the Developer in order to value the land being dedicated.

b) Works for a public purpose

If a Development Contribution under a Planning Agreement is for the carrying out of works for a public purpose, Council may value that Development Contribution on the basis of a cost estimate for the works. This may be prepared by a suitably qualified professional, such as a quantity surveyor, appointed by Council and paid for by the proponent.

c) Works required as part of a development consent

In the event a Planning Agreement proposes works and services that would normally be provided as a condition of development consent, those works and services will be deemed to have no value under the Planning Agreement.

#### **10. Costs**

The costs of preparing, negotiating, executing, varying and monitoring compliance with the Planning Agreement, including any external or internal costs to Council together with the cost of employing independent consultants and/or independent third parties are all costs associated with entering into a Planning Agreement. Generally, Council will require that all reasonable costs are met by the Developer.

#### **11. Registration of planning agreements**

In accordance with Section 7.6 of the Act, Council will generally require a planning agreement to contain a provision requiring the developer to agree to registration of the agreement on the title to the land to which the agreement applies. The costs associated with the registration shall be borne by the developer.

#### **12. Monitoring and review**

Council will monitor the performance of the Developer's obligations under the Planning Agreement.

#### **RESPONSIBILITIES**

The Director Planning and Environment is responsible for the enforcement of this Policy.



DUBBO REGIONAL  
COUNCIL

## REPORT: Draft Dubbo Aquatic Leisure Centre Master Plan 2017-2036

**AUTHOR:** Senior Strategic Planner  
**REPORT DATE:** 10 July 2018  
**TRIM REFERENCE:** ID18/1118

### EXECUTIVE SUMMARY

A draft Master Plan for the Dubbo Aquatic Leisure Centre (DALC) has been prepared by Council. The draft Master Plan is the first of its kind for the DALC which was originally opened in 1935. A copy of the draft Master Plan is provided here in **Appendix 1**.

A master plan is a long term planning document that provides for orderly future growth and development prescribing to a pre-determined set of values and aspirations. The purpose of the draft DALC Master Plan is to provide a framework to guide future change and development of the DALC and serve as a basis for evidence-based, strategic facility decision making through to 2036 and beyond.

The draft Master Plan has been prepared utilising specialist leisure and recreation consultants, Facility Design Group and feedback received from identified stakeholders during Phase 1 of the community consultation process.

As a component of the master planning process, consideration of a number of options for the development of an indoor swimming pool at the DALC has been undertaken. The draft Master Plan provides four (4) options with respect to the provision of an indoor swimming facility. The proposed staging of the Master Plan is based on Council's ability to fund the proposed development, demonstrated need for an indoor pool in the long term and to enable the continued operation of key functional areas.

It is recommended that the draft DALC Master Plan be placed on public exhibition for a period of not less than 28 days to undertake community and stakeholder engagement.

### ORGANISATIONAL VALUES

Customer Focused: The development of the new Master Plan will reflect the aspirations of our customers and the community and identify how Council will deliver services and infrastructure for the community into the future. The Engagement Strategy proposes collaboration directly with customers, providing an opportunity to have direct input into the draft Master Plan.

Integrity: The draft Master Plan has been prepared to clearly articulate future options for development of the Dubbo Aquatic Leisure Centre.

One Team: The draft Master Plan has been prepared utilising resources from stakeholders across the organisation.

### **FINANCIAL IMPLICATIONS**

It is considered that there are no direct financial implications arising from the information included in this report. However, the draft Master Plan includes future development for the Dubbo Aquatic Leisure Centre through to 2036. This future development includes the possible provision of additional infrastructure, including provision for an indoor swimming facility, which would have cost implications.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

### **RECOMMENDATION**

- 1. That the draft Dubbo Aquatic Leisure Centre Master Plan (Appendix 1) be adopted for the purposes of public exhibition and stakeholder consultation.**
- 2. That the draft Dubbo Aquatic Leisure Centre Master Plan be placed on public exhibition for a period of not less than 28 days.**
- 3. That the Engagement Strategy (Appendix 2) be endorsed by Council to enable public and stakeholder engagement to commence.**
- 4. That as part of the public exhibition and consultation process that Council consult with the Dubbo RSL and all learn to swim providers in Dubbo.**
- 5. That following completion of the public exhibition process, a further report be presented to Council for consideration addressing the outcomes of the public exhibition period and any submissions received.**

*Lee Griffith*  
Senior Strategic Planner



## BACKGROUND

The Dubbo Aquatic Leisure Centre Working Party at its meeting on 14 April 2016 considered a report with respect to reviewing the provision of aquatic recreation facilities at the Dubbo Aquatic Leisure Centre (DALC). The Working Party resolved as follows:

- “1. That the estimate of \$190,000 for detailed design of the indoor pool facility at the DALC be noted;*
- 2. That Council not relocate aquatic facilities from the present Victoria Park – CBD site; and*
- 3. That Council undertake the development of a Master Plan for the DALC at the Victoria Park – CBD site which addresses at a minimum:*
  - a. Catering for indoor lap swimming for both 25 metres and 50 metres pools options*
  - b. The installation of a separate program/Learn to Swim pool indoors*
  - c. The provisions for active aquatic recreation and aquatic play elements*
  - d. The incorporation of a fitness-gym type facility*
  - e. The renewal of kiosk, office space and amenity facilities*
  - f. The potential resuming of parkland in Victoria Park for the purposes of the values of the park*
  - g. The likely capital, operational and asset management costs for any proposed development of the DALC.”*

Additionally, Council at its Ordinary Meeting on 25 June 2018 considered a Mayoral Minute, which resolved as follows:

- “1. That the master planning process for the Dubbo Aquatic Leisure Centre be undertaken and presented to Council in July 2018 for the purpose of placing the draft Dubbo Aquatic Leisure Centre Master Plan on public exhibition.*
- 2. That the draft Dubbo Aquatic Leisure Centre Master Plan, be placed on public exhibition for a period of not less than 28 days.*
- 3. That the draft Dubbo Aquatic Leisure Centre Master Plan and submissions made by the public be considered by Council for adoption in September 2018.*
- 4. That an allocation in the 2018/2019 budget be made to develop designs for an indoor aquatic facility, to Development Application standard, for the purpose of seeking grant funding opportunities in the short term.*
- 5. That a business case be undertaken for the purposes of determining and seeking funding opportunities for this construction work.*
- 6. That an amount of \$29,500 be allocated to the master plan and business case development to be funded from unallocated restricted asset funds in the 2018/2019 budget.”*

As a core component of Council’s master planning process, initial stakeholder consultation was carried out in late 2016 which sought the perspectives of key user groups of the DALC.

It is recommended that Council adopt the draft Dubbo Aquatic Leisure Centre Master Plan for the purposes of public exhibition. The draft Master Plan is provided attached as **Appendix 1**.

Following completion of the public exhibition period, a further report will be provided to Council for consideration.

## REPORT

### 1. Master Plan Approach and Process

The draft DALC Master Plan is a strategic document intended to provide a framework for the future development of the DALC through to the year 2036 and beyond. The draft Master Plan incorporates feedback from key stakeholder groups and is intended to serve as the basis for evidence-based, strategic facility decision making for the Dubbo Aquatic Leisure Centre in the short, medium and long terms.

The approach adopted in the preparation of the Master Plan has been based upon engaging with and understanding the needs of the identified users and other stakeholders of the DALC. The Master Plan has also focused on understanding the future aquatic needs of Dubbo in ensuring a facility can be developed that can best benefit all residents of Dubbo.

Figure 1 provides an overview of the general approach that has been adopted in the preparation of the draft Master Plan.

This approach has been utilised to ensure adequate consideration was provided to the issues and perspectives of all identified users of the facility and to ensure that key stakeholders were able to provide input into the process. The draft Master Plan has also benefited from specialist input from consultants, Facility Design Group, which has ensured that the draft Plan is consistent with current best practice in aquatic facility planning, meets the needs of identified stakeholders and the long term financial viability of the facility.

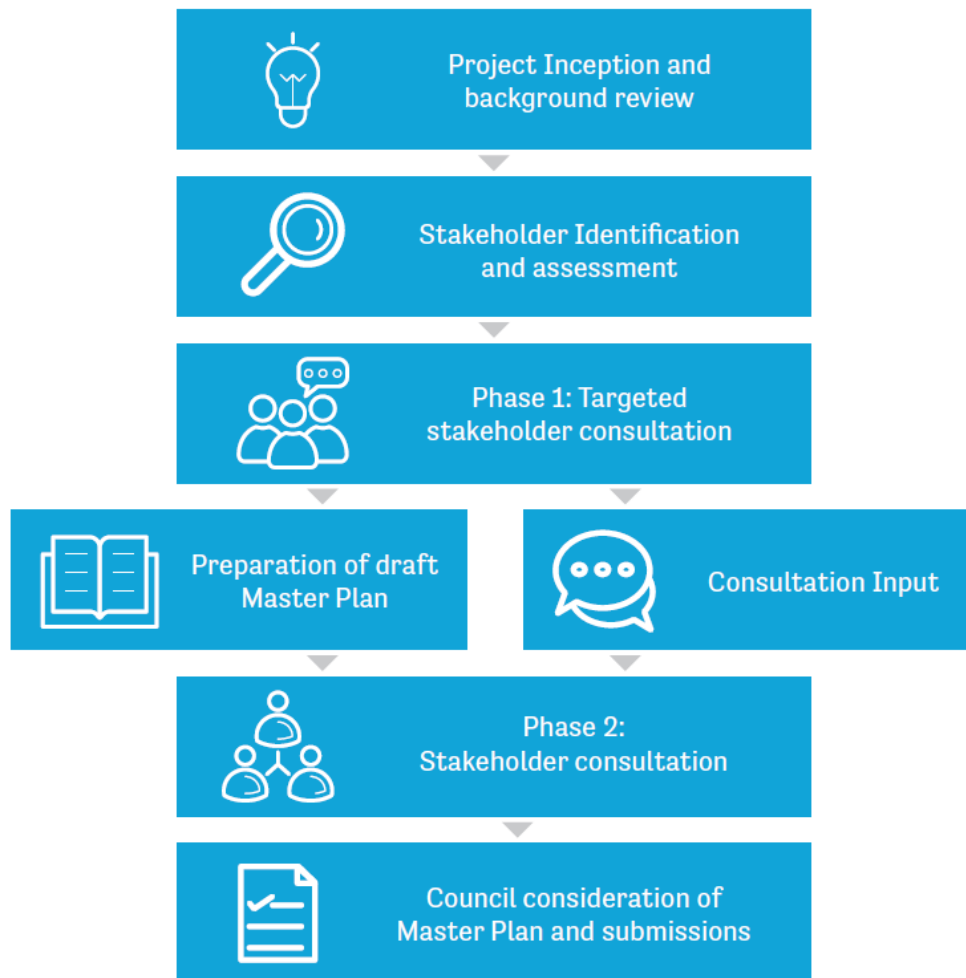


Figure 1. Dubbo Aquatic Leisure Centre Master Planning Process

## 2. Phase 1 - Community Consultation

Preparation of the draft DALC Master Plan included incorporating feedback from identified stakeholders during the Phase 1 Community Consultation process. Phase 1 of the consultation process was carried out from 18 October 2016 until 18 November 2016. In undertaking Phase 1 of the Community and Stakeholder Engagement, Council sought to identify and undertake a program of consultation with a wide cross-section of stakeholders. In response, Council received 26 survey responses from a total of 106 identified stakeholders.

These identified stakeholder groups included:

- Schools Sports Associations and Schools;
- Dubbo Swimming and Aquatic Clubs;
- Other (Aboriginal and disability user groups);
- State and Federal Government;
- Commercial and Economic Groups;
- Aged Care Groups;
- Western NSW Swimming Clubs; and
- Orana Regional councils.

### 3. Consultancy Review

Specialist leisure and recreation consultants, Facility Design Group, were engaged to complete the consultancy component of the draft Master Plan, including the following:

- (a) Initial review of the draft Master Plan prepared by Council having regard to current recreational and aquatic centre planning and industry trends;
- (b) Review of the cost implications associated with the development and ongoing operation of a 25 metre indoor pool and possible enclosure of the existing 50 metre pool;
- (c) Preparation of initial designs based on the agreed draft development regimes to be included in the Master Plan; and
- (d) Provision of a summary of the financial implications and costings associated with the carrying out of works in accordance with each development regime.

Council Officers met with representatives of Facility Design Group on 15 and 16 May 2017 in Dubbo to further the project and undertake a site tour of the Dubbo Aquatic Leisure Centre.

### 4. Facility Development Strategy

The overall vision for the Dubbo Aquatic Leisure Centre was formulated using the vision identified by stakeholders during Phase 1 of the community engagement process. The vision for the Dubbo Aquatic Leisure Centre in 2036 is:

*“A premier aquatic and leisure centre that combines health, fitness, recreation, leisure and a sense of community for everyone in Dubbo and the surrounding region to enjoy.”*

The following points provide a brief overview of the key components included in the draft Master Plan:

#### (a) Access and Car Parking

In the short term, car parking should be further extended along Talbragar Street to the east to cater for increased use and demand during peak use times. Due to the current location of the water slide, the car park would be required to be extended in two (2) stages, with Stage 1 holding a capacity of 58 car spaces and four (4) motor bike spaces and Stage 2 holding a capacity of 70 car spaces and four (4) motor bike spaces.

Due to the current location of the water slide, Stage 2 of the car park is dependent on the relocation of the water slide to another location and the development of an indoor aquatic and leisure centre in the long term.

Further improvements should also be made to make the centre more accessible for the elderly and people with a disability. The Master Plan includes the option for a warm water exercise pool as part of a future indoor swimming centre which has direct access to the relocated entrance and amenities. Additional car parking will also include the addition of

further disabled parking spaces and tactile paving for the vision impaired. The Centre also requires upgraded paving treatment to a non-slip surface to prevent slips and falls when wet.

The Centre currently has existing pedestrian and bicycle access with a shared path running directly along Talbragar Street outside the Centre. Expanded facilities to further encourage active transport should be provided at the Centre, including bicycle racks, lockers and personal storage cubes.

**(b) Entrance**

In the long term it is proposed to relocate the entrance from the western side of the facility to the northern side, off Talbragar Street. The relocation would be dependent on the development of an indoor swimming centre as included in the draft Master Plan.

**(c) Caretaker's Residence**

Although the residence has been reasonably maintained over time, Council has identified that this component of the Aquatic Centre will not be required in the short to medium term, with demolition in approximately 2018/2019.

**(d) 50 metre pool and grandstand**

The 50 metre Olympic pool is the largest facility at the Dubbo Aquatic Leisure Centre with 10 lanes. The pool also has the ability to convert to an eight lane, 25 metre lap pool with a 25 metre recreation area. The pool underwent considerable refurbishment between 2005 and 2014.

The well-landscaped centre grounds are a unique characteristic of the DALC. The draft Master Plan recommends that the existing open grassed areas be retained as far as practicable and further enhanced to allow for continued use for dry activities, recreation, outdoor functions and the effective functioning of major events and swimming carnivals at the Centre.

From this point of view, it is not Council's preferred option to enclose the existing 50 metre pool.

**(e) Water Slide**

In the long term and once the water slide approaches the end of its useful life, options for new and expanded water slides should be considered based on the level of demand for different recreation opportunities. The current location of the slide at the DALC is in the middle of a large expanse of open space which is underutilised and has been identified for the development of a future indoor swimming centre. The ideal location for the water slide would be on the southern side of the Aquatic Centre.

**(f) Kiosk/Café**

In the short term, the outdoor gym equipment that is currently adjacent to the kiosk could be relocated elsewhere in Victoria Park to enable an expansion of the kiosk area to include café style and outdoor dining in Victoria Park, whilst also servicing pool patrons.

A trial of a pop-up eatery could be undertaken in this precinct to gauge whether a redevelopment of the kiosk into a more permanent café or restaurant could be successful in this area overlooking the children's splash pad, leisure pool and Victoria Park.

**(g) Children's Leisure Pool**

The existing children's leisure pool location is considered appropriate having regard to its proximity to the proposed water play area, water slide and surrounding grassed areas.

In the long term, there is the potential to consider an expansion of the existing children's leisure pool and improve safety. It is recommended that the children's leisure pool be retained in the short to medium term and consideration be given to expanding and upgrading the pool in the long term.

**(h) Plant Room/Storage**

In order to meet current standards, higher filtration rates are required to be provided which will require an upgrade of the filtration system. Given the potential addition of a new splash pad in the short term and an indoor 25 metre pool in the long term, the draft Master Plan recommends that any upgrade of the water treatment plant be relocated and consolidated to the outer boundary of the site in order to maximise the useable space for aquatic and leisure recreation by the public.

**(i) Water Play/Splash Pad**

Council has received a grant of \$800,000 under the Stronger Communities Fund – Major Projects for the development of a water play park at the DALC site to provide an additional aquatic and recreational option.

The area considered most suitable for the purposes of a new interactive water play area is the site between the existing kiosk and children's leisure pool.

**(j) Indoor Aquatic and Leisure Centre**

As a component of the master planning process, consideration of a number of options for the development of an indoor swimming pool at the DALC has been undertaken, including the following options:

- 1) Construction of a new indoor 25 metre pool with multi-purpose space and spa;
- 2) Construction of a new indoor 25 metre pool with warm water exercise pool;

- 3) Enclosure of the existing 50 metre pool; and
- 4) Construction of a new indoor 50 metre pool with multi-purpose space and spa.

The ideal location for a new indoor pool has been identified as the eastern side of the Aquatic Centre which is currently underutilised due to the location of the existing water slide.

The facility would enable use all year round to meet the demand of the community including lap swimming, learn-to-swim programs, aqua aerobics classes, water polo and synchronised swimming. Any new indoor pool would also include a disabled access ramp with rails for wheelchair access.

These four (4) options are discussed in further detail below.

Indoor Pool Option	Advantages	Disadvantages	Estimated Cost
1. Construct a new 25 m indoor pool with a spa	<ul style="list-style-type: none"> <li>• A new indoor 25 m pool would be a suitably sized facility given the site constraints of the current DALC and would also enable an additional spa.</li> <li>• A new 25 m indoor pool would enable competitive swimmers to train all year round.</li> </ul>	<ul style="list-style-type: none"> <li>• A new 25 m pool would add to the operational costs of the DALC, however it is considered these could be subsidised through additional revenue through memberships, expanded exercise classes and a year round learn to swim program.</li> </ul>	\$10-12 million
2. Construct a new 25 m indoor pool with a warm water exercise pool	<ul style="list-style-type: none"> <li>• A new indoor 25 m pool would be a suitably sized facility given the site constraints of the current DALC and would also enable an additional warm water exercise pool.</li> <li>• A new 25 m indoor pool would enable competitive swimmers to train all year round.</li> </ul>	<ul style="list-style-type: none"> <li>• A new 25 m pool would add to the operational costs of the DALC, however it is considered these could be subsidised through additional revenue through memberships, expanded exercise classes and a year round learn to swim program.</li> </ul>	\$11-13 million
3. Enclose the existing 50 m outdoor pool	<ul style="list-style-type: none"> <li>• Ability for year round training and use – An enclosed 50 m pool would enable public use all year round and competitive swimmers and water polo users could train and compete all year round with no seasonal disruptions.</li> </ul>	<ul style="list-style-type: none"> <li>• Age of the pool – the existing 50 m pool, although in good condition, is almost 40 years old. Enclosing a facility of this age is not advisable, nor a suitable long-term investment opportunity.</li> </ul>	\$9-11 million

	<ul style="list-style-type: none"> <li>• Competitive advantage – Dubbo would have an advantage over other regional cities in NSW by being the only centre with an enclosed 50 m pool and would have the potential to attract large swimming events and competitions to Dubbo.</li> </ul>	<ul style="list-style-type: none"> <li>• Location – due to the location of the 50 m pool at the front of the DALC site, enclosing it would have implications for the passive surveillance of other swimming areas including the children’s leisure pool and proposed splash pad. An enclosed facility should ideally be provided on the periphery of an aquatic centre site, not in the middle to allow good surveillance of pool users.</li> </ul>	
4. Construction of a new 50 m indoor pool	<ul style="list-style-type: none"> <li>• An enclosed 50 m pool would enable competitive swimmers and water polo users to train and compete all year round.</li> <li>• Dubbo would have a competitive advantage over other regional cities in NSW by being the only centre with an enclosed 50 m pool.</li> </ul>	<ul style="list-style-type: none"> <li>• The current DALC site is largely constrained in size and is not considered large enough to allow a new 50 m pool to be constructed on the site. Council also resolved in April 2016 that aquatic facilities not be relocated from the present Victoria Park/CBD site.</li> </ul>	\$13-15 million

## 5. Phase 2 - Engagement Strategy

Council has developed an Engagement Strategy (**Appendix 2**). The role of the Engagement Strategy is to ensure that stakeholders are aware that Council’s draft DALC Master Plan is on Public Exhibition and submissions are invited.

Community engagement will be undertaken with a range of stakeholders that are deemed to have an interest in the long-term growth and prosperity of the Local Government Area. Specific stakeholder groups will be identified prior to engagement and refined as required at different stages of the Community Engagement Plan.

Stakeholders identified to be involved include:

- Residents and rate payers;
- Major businesses and industries and small businesses in the region;
- Council’s Advisory Committees;
- Community and sporting groups;
- Aboriginal groups;



- Education sector;
- Visitors;
- Neighbouring Councils;
- Dubbo Regional Council staff (Chief Executive Officer, Directors, and Operational staff);
- Sports Associations and Schools;
- Dubbo Swimming and Aquatic Clubs;
- Western NSW Swimming Clubs;
- Aged Care Groups;
- Commercial and Economic Groups;
- State and Federal Government; and
- Disability user groups.

Successful community engagement will ensure the new Dubbo Aquatic and Leisure Centre Master Plan will reflect the collective priorities of stakeholders. Specifically, stakeholders will be asked to provide comment on the four (4) options identified as a component of the Stage 2 works.

## **6. Future Direction**

The draft DALC Master Plan has been developed by incorporating feedback from key stakeholder groups with respect to understanding the needs of existing and future users. To ensure Council has developed the draft Master Plan in line with community expectations, it is recommended that the draft Master Plan be placed on public exhibition for a period of not less than 28 days to seek feedback from the community.

Following completion of the public exhibition period, it is recommended that a further report be presented to Council addressing the outcomes of the public exhibition period and any submissions received.

## **SUMMARY**

A draft Master Plan for the Dubbo Aquatic Leisure Centre (DALC) has been prepared by Council to provide a framework to guide future change and development of the DALC and serve as a basis for evidence-based, strategic facility decision making for the DALC through to 2036 and beyond.

As a component of the proposed Stage 2 works, the draft Master Plan provides four (4) options with respect to the provision of an indoor swimming facility. These four (4) options will be tested with the identified stakeholders and the community as to the preferred design option.

It is recommended that the draft Master Plan be placed on public exhibition for a period of not less than 28 days to seek feedback from the community.

Appendices:

- 1 [↓](#) Draft Aquatic Leisure Centre Masterplan 2017-2036
- 2 [↓](#) Dubbo Aquatic Leisure Centre Masterplan Engagement Strategy



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DUBBO AQUATIC LEISURE CENTRE  
– MASTER PLAN 2017-2036



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## Executive Summary

In 2016, the former Dubbo City Council undertook a strategic review of the provision of aquatic and recreation facilities in Dubbo. This review highlighted that the master planning of aquatic facilities in Dubbo and in particular for non-lap swimming activities should be undertaken. In consideration of the results of this strategic review, the former Dubbo City Council at its meeting on 26 April 2016, resolved to undertake the development of a Master Plan for the Dubbo Aquatic Leisure Centre.

Dubbo Regional Council has now prepared a draft Master Plan for the Dubbo Aquatic Leisure Centre. The Master Plan is a long-term planning document that provides a framework for the orderly future development of the facility.

The Master Plan has taken a holistic approach to aquatic and leisure planning for the Dubbo Aquatic Leisure Centre, taking into account the needs and aspirations of all users of the facility, current and future aquatic and leisure centre planning trends, forecast population and demographic projections and identified land use constraints. The Master Plan will be used to ensure that any future development of the Dubbo Aquatic Leisure Centre accords with the vision and goals of the community.

The Master Plan has been intentionally written to be flexible to accommodate inevitable changes over time, whilst also providing a strong framework for evidence-based strategic decision making for the facility over the next 20 years.

### Master Plan Objectives

- To guide the efficient development of the facility and overall use of the subject land to adequately plan for future development.
- To develop an understanding of the key strengths and weaknesses of the Dubbo Aquatic Leisure Centre to ensure the current and future needs of the community for aquatic and leisure facilities are met.

- To provide justification and sound planning to support development decisions that provide for the needs of the local population.
- To provide an achievable strategic direction for the planning and provision of aquatic and leisure facilities in Dubbo.
- To ensure the Dubbo Aquatic Leisure Centre can provide facilities for all members of the population.

### Consultancy Review

Specialist industry consultants, Facility Design Group, were engaged by Council to assist in the preparation of a number of components of the draft Master Plan, including the following:

- Initial review of the draft Master Plan having regard to current recreational and aquatic centre planning and industry trends.
- Review of the cost implications associated with the development and ongoing operation of a 25 metre indoor pool and possible enclosure of the existing 50 metre pool.
- Preparation of initial designs based on the agreed draft development regimes to be included in the Master Plan.
- Provision of a summary of the financial implications and costings associated with the carrying out of works in accordance with each development regime.

### Monitoring and Review

The Dubbo Aquatic Leisure Centre Master Plan will be periodically reviewed in line with identified changes to aquatic leisure planning, demographic change and overall cost implications.





4 DUBBO AQUATIC LEISURE CENTRE – MASTERPLAN

# 1. Introduction

The Dubbo Aquatic Leisure Centre is located in Victoria Park and is situated on the corner of Talbragar and Darling streets, Dubbo. The facility is situated within close proximity to the Dubbo Central Business District (CBD), as shown in Figure 1.

The Centre was opened by the Minister for Local Government and Public Works, Mr E.S. Spooner, on 2 December 1935.

The Dubbo Aquatic Leisure Centre is a community asset owned by Dubbo Regional Council. The Centre is managed under a license agreement which currently contracts the day-to-day running of the Centre. The Centre provides a wide range of facilities and programs that cater for a range of markets, including:

- Recreational leisure;
- Competition;
- Training and fitness; and
- Health, therapy, wellness and education markets.

In addition to the heated Olympic pool, the Centre also features a shaded children's leisure pool, twin waterslide, barbeque facilities, covered grandstand, Wi-Fi internet access, audio system and on-site kiosk. The Centre is generally open from 5.30 am to 8.30 pm Monday to Friday and from 10.00 am to 8.30 pm Sundays and Public Holidays during swimming season. The Centre has an average annual visitation of around 90,000 persons.

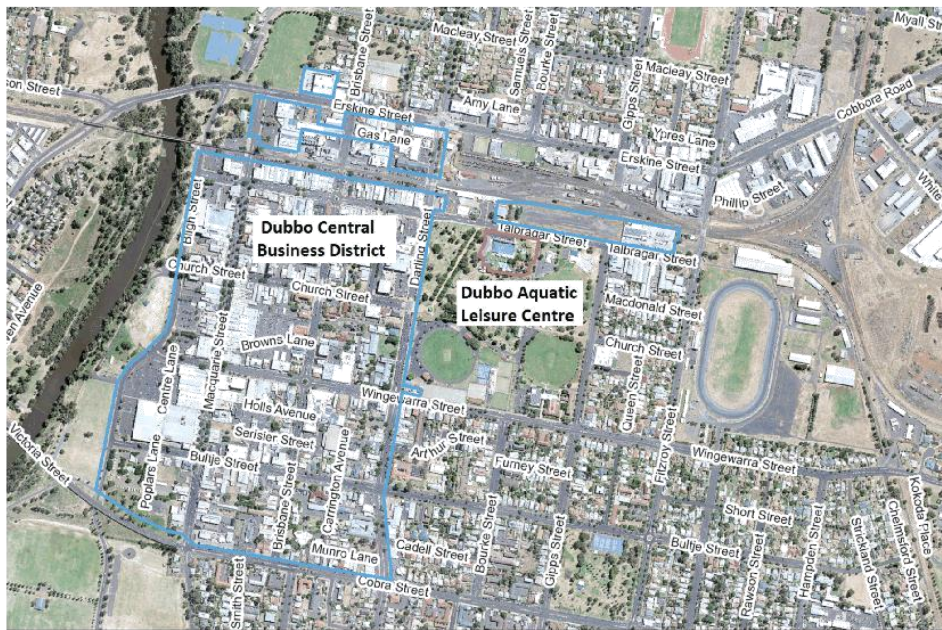


Figure 1. Dubbo Aquatic Leisure Centre Location Map



The Dubbo Aquatic Leisure Centre is the largest aquatic leisure facility in Dubbo and the Orana Region and the only Olympic sized swimming pool in the City of Dubbo. The importance of the facility extends to not only Dubbo residents but to the residents of surrounding towns and villages across the Orana region, as shown in Figure 2.

#### Historical Context

Public baths have been an important part of Dubbo's history since the early 1900s. From 1914, public swimming baths were in operation in the Macquarie River at the western end of Church Street until they were inundated by backwater in the early 1940s from a new weir that was built at River Street.

In the early 1930s, support for a filtered water swimming pool in Victoria Park developed within the community, becoming much stronger in February 1935 when the State Government made 15,000 pounds available from unemployment relief funds for construction of the pool. Plans were prepared by architect, Mr J B MacDonald, of Dubbo and consulting civil engineers, A S MacDonald and Wagner of Sydney. Work commenced on the project in March 1935 with successful contractors, Wallace & McGee. Work was completed within six (6) months and the pool was officially opened on 2 December 1935. The final cost of the project was 20,000 pounds, which was provided in full by the NSW State Government.

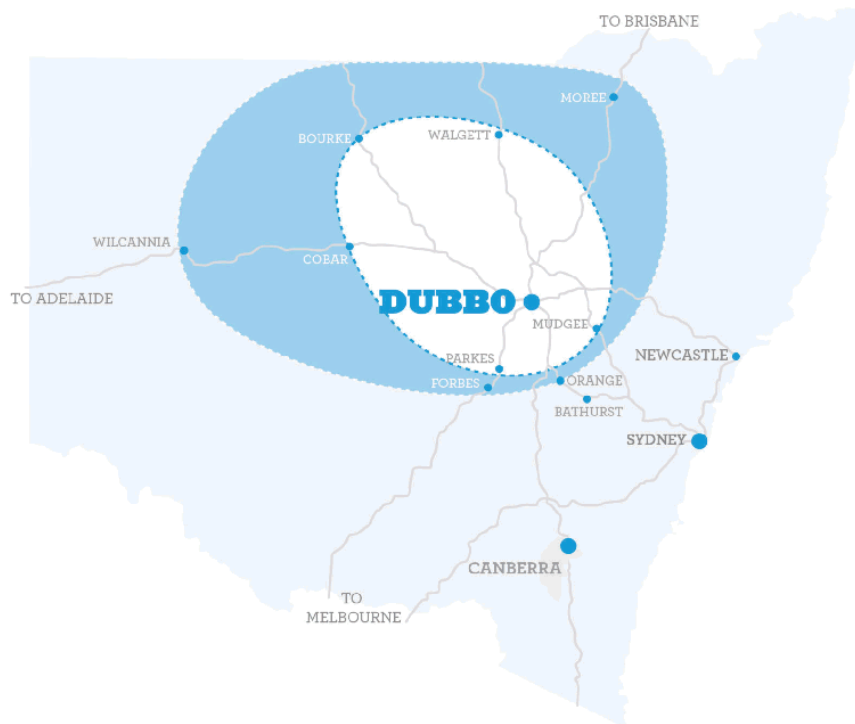


Figure 2. Map of Dubbo and Orana Regional catchment area



The new pool was extremely popular, attracting over 13,600 people in the first four days with standing room only. The new pool complex included an Olympic pool with diving facilities at the eastern end, entrance and office facilities, learners' pool, men's and women's changing facilities, spectator seating, plant room and caretaker's cottage.

In 1963/1964 a kiosk was built in the south-west corner of the site, which replaced the original kiosk situated near the main entrance in the administrative building. The old kiosk was removed to permit the installation of automatic turnstiles at the entrance.

In 1969, Council resolved to prepare an overall plan for the renovation and redevelopment of the complex as a number of components of the facility had developed structural issues

Stage one of the re-development took place during the first half of 1970. The existing children's pool and plant room were demolished, a new learners' pool and filtration plant room were constructed at their present locations and plumbing to the existing pool was renewed. In 1975, Council also let

a contract for the first time for the operation and management of the pool complex.

Following an extended period of investigation into the most cost effective designs for stage two and three of the redevelopment, tenders were called in December 1977 for the demolition of the Olympic pool and the construction of a new pool and associated works.

Reconstruction of the main pool commenced in May 1978 and was completed by the end of 1978. Final completion of the pool was further delayed until the end of January 1979 as a result of returfing, landscaping and irrigation. As the final stage in the re-construction of the pool complex, tenders were called in April 1979 for the construction of a new amenities block, office and entry area and maintenance of the grandstand. This building work was completed in 1979.

In 1982, a water slide was constructed within the Pool Complex. This original water slide was replaced in 2014. The Olympic pool and Children's Leisure Pool also received a level of refurbishment in the period from 2005 to 2014.



## 2. Background and Purpose of the Master Plan

The Master Plan is a strategic document that provides a framework for the future development of the Dubbo Aquatic Leisure Centre. The Master Plan incorporates feedback from stakeholders and is intended to serve as the basis for future evidence-based strategic facility decision making.

The Master Plan provides possible future development concepts for the facility. These concepts have been prepared having regard to the results of the initial stakeholder engagement processes and current trends in leisure and recreation planning.

Particular focus has been given to the development of an indoor pool and redeveloping the Dubbo Aquatic Leisure Centre. Previously, architectural firm Prior and Cheney in 2000 were engaged to prepare concept design plans and construction cost estimates to redevelop the Dubbo Aquatic Leisure Centre, which came back at \$6,807,382 for a six (6) stage development.

These costs were revised in 2008 at \$12,164,050 with an additional plan prepared, which included siting the entrance to the Centre on the eastern side and included five (5) stages of redevelopment. The cost estimate for this alternative option plan was \$12,933,607 in 2008.

The Dubbo Aquatic Leisure Centre (DALC) Working Party, in March 2011, considered a report on both the 2000 and 2008 concept plans and cost estimates. Council resolved to have further concept plans prepared to include a 25 x 25 metre heated indoor pool, modern café-style kiosk and adaptive re-use of existing amenities, reception, office and club rooms. These plans were prepared by Paul Stevenson and Associates, with both options being very similar in design. The two (2) concept plans were provided to the DALC Working Party at its meeting on 28 October 2011, where it was resolved that Option 2, with an indicative cost estimate of \$5,493,417 be the preferred concept plan for the upgrade of the DALC.

On 27 May 2013, Council considered a report in respect of a proposal to prepare detailed construction plans for the detailed design of an indoor 25 metre pool, which was estimated at \$190,000. Due to the overall cost, construction plans were not developed.

Council in 2016 undertook a Strategic Review of the Provision of Aquatic and Recreation Facilities in Dubbo and presented its findings to the DALC Working Party on 14 April 2016. It was resolved that a Master Plan for the DALC be prepared to address the following requirements:

- Indoor lap swimming for both 25 metres and 50 metre pools options;
- Installation of a separate program/Learn to Swim pool indoors;
- Provision for active aquatic recreation and aquatic play elements;
- Incorporation of a fitness-gym type facility;
- Renewal of kiosk, office space and amenity facilities;
- Potential resumption of parkland in Victoria Park for the purposes of the DALC in a manner that does not degrade the current amenity and cultural values of the park; and
- Consideration of the likely capital, operational and asset management costs for any proposed development of the DALC.

**Master Planning Approach**

The approach adopted in the preparation of this Master Plan has centred upon engaging and understanding the needs of the identified users and other stakeholders of the Dubbo Aquatic Leisure Centre. The Master Plan has also focused on understanding the future aquatic leisure needs of Dubbo in ensuring a facility can be developed that can best benefit all residents of Dubbo.

Figure 3 provides an overview of the general approach that has been adopted in preparation of the Master Plan.

This approach has been utilised to ensure adequate consideration was provided to the issues and perspectives of all identified users of the facility and to ensure identified key stakeholders could provide input into the Master Planning process. The Master Plan has also benefited from specialist input from industry consultants, Facility Design Group, which has ensured that the Dubbo Aquatic Leisure Centre Master Plan is consistent with current best practice in aquatic facility planning, meets the majority of the needs of identified stakeholders and can ensure the long term financial viability of the facility.



Figure 3. Master Planning Approach

## 3. Strategic Context

### 3.1 2040 Community Strategic Plan

The 2040 Community Strategic Plan was adopted by Council on 25 June 2018 for the new Dubbo Regional Local Government Area. The 2040 Community Strategic Plan provides the visions of our community through to the year 2040. The Plan is centred on five (5) principal themes of housing, infrastructure, economy, community leadership and liveability, and includes a number of strategies and outcomes.

During the development of the Plan, the community identified a number of specific future desires for the Dubbo Aquatic Leisure Centre, including an indoor aquatic centre and a weather structure over the Olympic pool with the goal of increasing the number of patrons to the Centre.

The new 2040 Community Strategic Plan contains a number of strategies that provide direction for the Dubbo Aquatic Leisure Centre and aim to ensure the continued provision of aquatic and recreational facilities as provided below:

#### Strategies and Actions

**5.5.4 Our sporting facilities are recognised as catering for a wide range of local, regional and state sporting events and opportunity**

**5.5.4.1** A recreation strategy is prepared, implemented and maintained for the Local Government Area

**5.5.4.2** A master plan is prepare and implemented for the Dubbo Aquatic Leisure Centre



### 3.2 Dubbo Recreational Areas Development Strategy

The Dubbo Recreational Areas Development Strategy was originally adopted by the former Dubbo City Council on

24 February 1997. The Strategy forms a major component of the Dubbo Urban Areas Development Strategy, informing the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Strategy incorporates regional, district, neighbourhood and open space recreational areas, with the Dubbo Aquatic Leisure Centre identified as a 'district recreation area'. District recreation areas are defined as being primarily used by residents of the city (i.e. rarely known of by visitors) who commute to the site with a specific activity in mind. District recreation areas are also generally not as visible, large or well developed as the regional recreation areas, (Dubbo Recreational Areas Development Strategy, 1997).

However, initial stakeholder feedback received in preparation of the Dubbo Aquatic Leisure Centre Master Plan highlighted the shift in community perception of the DALC as a recreational area, from a district to a regional recreation area. Regional recreation areas are characterised in the Recreational Areas Development Strategy according to their size, quality and accessibility and are likely to include facilities not common elsewhere in the region, which also attract tourists and visitors. This shift has important implications for the overall vision of the Dubbo Aquatic Leisure Centre and development of the Master Plan.

The Master Plan is consistent with the following objectives of the Dubbo Recreational Areas Development Strategy:

- Dubbo's recreational areas are well patronised;
- Dubbo strengthens its role as a regional centre for recreation;
- The location of recreation areas reflects the developing physical structure of the city;
- Dubbo's geographic pattern of recreation areas is equitable and accessible;
- Recreation areas function as a community focal point;
- A diverse array of recreational opportunities are provided for all residents of Dubbo and the region;
- The recreational opportunities available reflect the characteristics and needs of the population;
- Recreational areas add to the attraction of living in and visiting Dubbo;
- The network of recreation areas facilitates better but more cost effective provision and maintenance;
- Most recreation areas effectively serve more than one recreational function;
- The network better reflects and protects the topographic features of the city;
- Dubbo's recreational areas are of a high standard;
- Passive recreational areas are linked into the bigger network; and
- The frequency of recreational areas across the city reflects residential and business density patterns.





### 3.3 Dubbo Recreation Strategy

The Dubbo Recreation Strategy and Implementation Plan were adopted by the former Dubbo City Council on 24 November 2014.

Community consultation associated with the development of the Strategy identified the Dubbo Aquatic Leisure Centre as the third most utilised recreational facility in the City of Dubbo. This response highlighted the role of the Dubbo Aquatic Leisure Centre in providing a range of recreational,

leisure and physical activity functions to meet the needs of the Dubbo and regional communities.

Community aspirations for the Dubbo Aquatic Leisure Centre identified in the Dubbo Recreation Strategy include strong demand for year round access and upgrading of the facility to support and increase its continued use by the community.

The Dubbo Aquatic Leisure Centre Master Plan is directly aligned with the following strategic outcomes of the Dubbo Recreation Strategy:

#### STRATEGY FIVE: PLANNING

**Decisions are supported and justified by sound strategic planning to support the local population based on clearly identified needs.**

- 5.4** Balanced planning and management efforts reflect current and future demand for sport and recreational activities particularly incidental, un-structured recreational activities such as walking, swimming and cycling.



### 3.4 Dubbo Local Environmental Plan 2011 (LEP)

The Dubbo Local Environmental Plan 2011 (LEP) provides the overall land use zoning regime for land within the former Dubbo Local Government Area, guides the permissibility of development and includes specific provisions in relation to heritage conservation and environmental management of lands.

The LEP zones the majority of the subject land RE2 Private Recreation. The RE2 Private Recreation zone has the following objectives for development:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The LEP provides a zoning of RE1 Public Recreation over part of the Dubbo Aquatic Leisure Centre site to the east of the existing water slide. The RE1 Public Recreation zone provides the following objectives for development:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for facilities and amenities to enhance the use of public open space.

Future consideration should be given to the most appropriate zoning of the Dubbo Aquatic Leisure Centre to include a single zone across the entire site in future iterations of the Dubbo Local Environmental Plan 2011.

### 3.5 Dubbo Development Control Plan 2013

The Dubbo Development Control Plan 2013 (DCP) was prepared by the former Dubbo City Council to further assist and explain the requirements of the Dubbo Local Environmental Plan 2011 and to include specific provisions for development proposals. The Development Control Plan commenced operation on 6 May 2013.

The DCP applies to all land within the former Dubbo Local Government Area (LGA), including the Dubbo Aquatic Leisure Centre.



## 4. Demographic Context

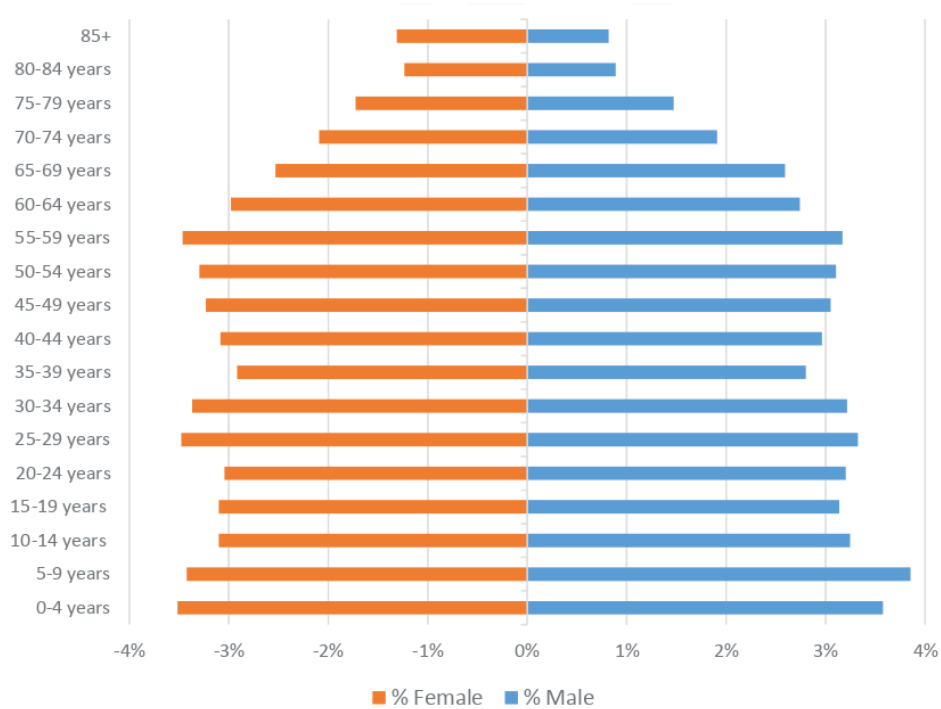
Demographic analysis plays a key role in the master planning process by providing an understanding of the current population and their needs, and how the population may change into the future.

The following data provides an understanding of the current and future demographic composition of the Dubbo Regional Council Local Government Area based on the Australian Bureau of Statistics (ABS) 2016 Census of Population and Housing.

### Key Statistics

People	50,077
Median age of persons	37
Median total personal income (\$/weekly)	660
Median total family income (\$/weekly)	1,525
Median total household income (\$/weekly)	1,272
Median mortgage repayment (\$/monthly)	1,500
Median rent (\$/weekly)	250
Average number of persons per bedroom	0.8
Average household size	2.5

### 4.1 Age Profile





## 4.2 Community Profile

	Dubbo	%	NSW	%	Australia	%
<b>People</b>						
Total	50,077	-	7,480,228	-	23,401,892	-
Male	24,566	49.1	3,686,014	49.3	11,546,638	49.3
Female	25,505	50.9	3,794,217	50.7	11,855,248	50.7
<b>Cultural Background (ancestry)</b>						
Australian	23,709	35.5	2,261,062	22.9	7,298,243	23.3
English	19,216	28.8	2,302,481	23.3	7,852,224	25
Irish	6,141	9.2	741,671	7.5	2,388,058	7.6
Scottish	4,468	6.7	587,052	5.9	2,023,470	6.4
German	1,631	2.4	236,146	2.4	982,226	3.1
<b>Household Make-up</b>						
Couple family without children	4,848	38.4	709,524	36.6	2,291,987	37.8
Couple family with children	5,075	40.2	887,358	45.7	2,716,224	44.7
One parent family	2,477	19.6	310,906	16	959,543	15.8
Other family	216	1.7	32,438	1.7	102,559	1.7
<b>Aboriginal and Torres Strait Islander People</b>						
Male	3,924	50.7	107,368	49.7	322,171	49.6
Female	3,816	49.3	108,809	50.3	326,996	50.4
Median age	22	-	22	-	23	-
<b>Need for Assistance</b>						
Has need for assistance	2,870	5.7	402,049	5.4	1,202,945	5.1
Does not have need for assistance	42,278	84.4	6,558,728	87.7	20,535,077	87.7
Need for assistance not stated	4,928	9.8	519,228	6.9	1,663,868	7.1
<b>Education</b>						
Preschool	1,066	6.7	132,047	5.7	347,621	4.8
Primary	4,427	27.6	607,175	26.2	1,926,881	26.7
Secondary	3,103	19.4	466,853	20.1	1,446,507	20.1
Technical or further education	1,176	7.4	144,103	6.2	424,869	5.9
University or tertiary institution	993	6.2	376,133	16.2	1,160,626	16.1
Other	239	1.5	63,673	2.7	198,383	2.8
Not stated	4,987	31.2	535,266	23	1,707,023	23.7
<b>Number of motor vehicles per dwelling</b>						
None	1,101	6.3	239,625	9.2	623,829	7.5
1 motor vehicle	5,833	33.4	946,159	36.3	2,881,485	34.8
2 motor vehicles	6,378	36.5	887,849	34.1	2,999,184	36.2
3 or more vehicles	3,414	19.5	435,053	16.7	1,496,382	18.1
Not stated	750	4.3	95,623	3.7	285,197	3.4

### 4.3 Socio-Economic Profile

#### Income

The Dubbo Regional Council LGA has an estimated 19,217 jobs. The median weekly income for Dubbo is \$1,096.68. 62.9% of incomes are below \$1,000 per week, as shown in Table 1.

Work in Dubbo Region (May 2016)		
Income	Jobs	%
Negative/Nil income	208	1.1 %
\$1-\$199	964	5.0 %
\$200-\$299	770	4.0 %
\$300-\$399	1,136	5.9 %
\$400-\$599	2,770	14.4 %
\$600-\$799	3,602	18.7 %
\$800-\$999	2,646	13.8 %
\$1,000-\$1,249	2,376	12.4 %
\$1,250-\$1,499	1,621	8.4 %
\$1,500-\$1,999	1,899	9.9 %
\$2,000 or more	963	5.0 %
Not stated/Not applicable	263	1.4 %
Total	19,217	100%

Table 1. Weekly Income for Dubbo Regional LGA



### Social Economic Indexes for Areas (SEIFA)

The SEIFA ranks geographic areas across Australia in terms of their relative socio-economic advantage and disadvantage. In 2011, SEIFA scores range from 121 (highest level of disadvantage) to 1,193 (least disadvantaged), as shown in Figure 4. A low score indicates relatively greater disadvantage and

may include a greater number of households with low income, many people with no qualifications, or many people in low skill occupations. A high score indicates a relative lack of disadvantage and may include higher income households, more people with no qualifications, and few people in low skilled occupations.

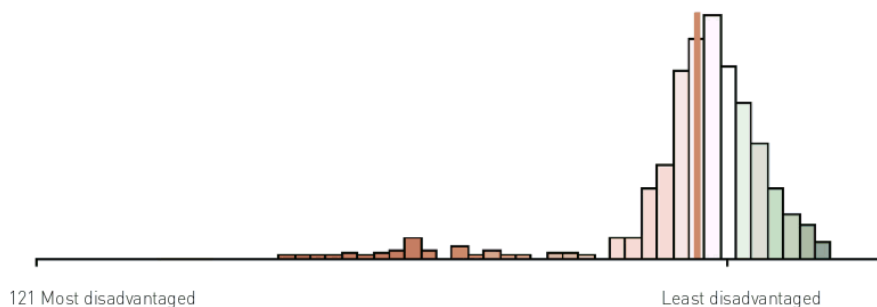


Figure 4. SEIFA Score Range 2011

In 2011, the former Dubbo LGA had a SEIFA Index of 977, which was higher than the Orana region of 940. Similar SEIFA scores were recorded by Albury (967), Orange (971), Port Stephens (970), and Wollongong (981).





#### 4.4 Population Projections

The Dubbo Regional Local Government Area had a population of 50,077 people on Census night 2016 (ABS, 2017).

Council in partnership with consultants REMPLAN, have developed a detailed suite of population, dwelling and household projections for the Dubbo

Regional Council LGA through to the year 2036.

The models used to generate the forecasts take a 'bottom-up' approach using local drivers of demographic change, including migration, fertility and mortality within individual planning areas, which build up to the overall LGA-level forecast. A summary of the population projections is shown in Table 2.

	2016	2021	2026	2031	2036
Dubbo	41,380	43,976	45,766	48,083	51,093
Wellington	8,697	9,200	9,396	9,607	9,811
Total	50,077	53,176	55,162	57,690	60,904

Table 2. Population Projections to 2036

Table 3 provides the expected age breakdown for the Dubbo Regional LGA through to the year 2036.

Age	2016		2021		2026		2031		2036	
	People	%	People	%	People	%	People	%	People	%
0 - 4	3,551	7.09	3,930	7.39	4,092	7.42	4,325	7.50	4,659	7.65
5 - 19	9,948	19.86	10,398	19.55	10,819	19.61	11,384	19.73	12,102	19.87
20 - 44	15,725	31.40	16,662	31.33	17,231	31.24	17,975	31.16	18,946	31.11
45 - 64	12,538	25.03	12,620	23.73	12,515	22.69	12,773	22.14	13,388	21.98
65 - 74	4,577	9.14	5,268	9.91	5,651	10.24	5,839	10.12	5,933	9.74
75+	3,744	7.48	4,298	8.09	4,854	8.8	5,394	9.35	5,876	9.65
Total	50,077	100%	53,176	100%	55,162	100%	57,690	100%	60,904	100%

Table 3. Population Age Projections to 2036

Analysis of the population projections has shown the following:

- The increased population base of approximately 10,827 people will mean the demand for aquatic and leisure opportunities will continue to rise.
- The number of young people (aged 0-19) will increase by 3,262 from 2016 to 2036 and will comprise approximately 28% of the total population.
- The 20-44 age bracket will remain the largest of all age groups, making up around 31% of the total population from 2016-2036.
- The overall number of people in the 45-64 age bracket will increase, from 12,538 in 2016 to 13,388 in 2036.
- The proportion of people aged over 65 will increase by 3,488 people from 16.62% of the population in 2016 to 19.39% in 2036.

#### 4.5 Implications of Demographic Change

In consideration of the future development of the Dubbo Aquatic Leisure Centre, these demographic considerations suggest a number of themes as below:

- Continued population growth will mean that the Dubbo Aquatic Leisure Centre will be required to continue to offer a range of aquatic and leisure opportunities, but should focus particularly on those aged 44 years and under (children, young families and workers) and 75 and over (elderly) which are the age groups expected to experience the most growth.
- Dubbo has a relatively high population from low socio-economic backgrounds and a relatively high proportion of low income households. In general, this means that the overall population has a limited ability to afford higher admission charges to the Centre.
- The overall population increase will continue to demand aquatic and leisure opportunities which are of a high standard and offer an alternative to private swimming pools and other aquatic and leisure opportunities already available in Dubbo and the region.

#### 5. Aquatic and Leisure Centre Trends

The aquatic and leisure industry has undergone significant change since the facility was first opened to the public in 1935. This section provides an

overview of some of the major trends in aquatic and leisure centre planning which have been a key consideration for the Dubbo Aquatic Leisure Centre Master Plan.

#### 5.1 Sport and Recreation Participation

Industry research has shown a recent trend in sport and recreation participation patterns of a move away from organised structured sports and an increase in unstructured recreation participation.

The Dubbo Aquatic Leisure Centre provides a range of facilities and programs to cater for both structured sport-focused activities as well as unstructured, more passive recreation and leisure opportunities.

Despite a national trend for a decline in organised sporting activities, Dubbo continues to experience growth in participation in this area. However, the Master Plan has considered this trend and recognises an opportunity to provide facilities that meet the unstructured recreation needs of the population.

#### 5.2 Design and Operation of Aquatic and Leisure Centres

A review of current aquatic and leisure centre industry practices reveals that the design and operation of aquatic and leisure centres throughout Australia is generally moving towards more integrated facilities, universal designs and expanded services incorporating health and fitness centres, multi-purpose spaces, café style dining options, passive recreation and leisure spaces and retail and commercial services such as professional on-site health consultants. The traditional layout of aquatic and leisure centre complexes are not integrated well and tend to create operational difficulties.

Sustainable design principles are also an important consideration for modern aquatic and leisure centre planning. With the increased prevalence of drought and rising water and energy prices, sustainable design is required to be implemented to help reduce energy and water use and thereby improve long term financial viability.

The move towards integrated facilities and expanded services among many modern aquatic and leisure centres has also led to increased expectations of patrons, in both the quality of the Centre and customer



service. Patron numbers and therefore revenue tend to fall significantly as centres become outdated and of poorer quality. Yet it is often difficult to achieve a mix of facilities to maximise revenue, enable multiple and variable uses and encourage longer visitation rates. Customer expectations have also increased to demand access and use of aquatic and leisure facilities all year round.

Many aquatic and leisure centres also face increased financial challenges associated with ongoing maintenance and improvements to ageing facilities and reduced visitation due to the increased number of private backyard swimming pools.

5.3 "Watertainment" and Water Play

A recent trend for aquatic and leisure centres is the move away from the traditional rectangular lap pool to incorporate more diversified and interactive 'watertainment' and recreation elements such as splash pads, water playgrounds, waterslides, wave pools, artificial surf and lazy rivers.

Water play features are a relatively recent trend in Australian aquatic and leisure facility planning, following a similar trend in Canada and the United States which began around 10-15 years ago. Fun and

interactive features such as splash pads, spraygrounds, zero depth leisure pools, themed water playgrounds and slides offer a highly popular and unique feature to traditional lap pools, and have been used to entertain patrons for longer and offer a unique attraction not readily provided by other competitors.

5.4 Competing Demand

Meeting the demands of competing users for limited facilities is a significant challenge in managing an aquatic and leisure centre.

Industry research has shown that approximately 60-70% of all aquatic facility users are within the recreational leisure sector, while only 20-30% are associated with the competitive, training and fitness market. The remaining 10-20% of aquatic facility users come from the health, therapy, education and wellness market, which is currently a major growth sector, which is predicted to grow further as the population continues to age.

The most successful and viable facilities in Australia attract users from all three (3) markets. By successfully overlapping uses, facilities are able to attract a larger market and generate more revenue to ensure long term financial viability.



## 6. Dubbo Aquatic Leisure Centre

### 6.1 Land Use and Existing Site

The Dubbo Aquatic Leisure Centre is located in Victoria Park, Dubbo, directly adjacent to the Dubbo Central Business District (CBD). It is currently the only 10 lane, 50 metre pool in the central west that is also able to be converted to an eight (8) lane 25 metre lap pool.

by well-landscaped parklands to the east, south and west and has direct access to Talbragar Street to the north. The entrance to the Dubbo Aquatic Leisure Centre is from the western side from Memorial Drive in Victoria Park.

A site plan of the existing Dubbo Aquatic Leisure Centre is provided in Figure 5.

The Dubbo Aquatic Leisure Centre is surrounded



Figure 5. Existing Site Plan – Dubbo Aquatic Leisure Centre

## 6.2 Facilities and Services

The Dubbo Aquatic Leisure Centre currently comprises of the following:

- 10 lane 50 metre Olympic swimming pool heated to 26oC
- Children's leisure pool, with solar-powered heating up to 28oC
- Disability chair lift and wheelchair equipment
- Twin 60 metre long by 10 metre high water slide
- Kiosk
- Club room
- Entry and Amenities
- Full length sheltered grandstand
- Barbeque facilities
- Audio system for facility
- Wi-Fi internet access
- Aqua Aerobics and Learn to Swim Classes are also conducted at the Centre.

The Centre also offers a diverse range of programs and classes throughout the swimming season including aqua aerobics and learn to swim classes, squad training, water polo and surf lifesaving.

Programming and classes are an essential component of the Dubbo Aquatic Leisure Centre. While new and expanded facilities such as water play elements may add fun and diversity to an aquatic and leisure centre, expanding the range of programs on offer is essential

to encouraging further use by the community. At the same time, an expanded program offering can only be supported by the provision of high quality infrastructure.

## 6.3 Existing Competitors

There are a number of other aquatic and leisure facilities on offer throughout the City of Dubbo that provide similar facilities and services to that of the Dubbo Aquatic and Leisure Centre. An inventory of potential competitor venues across the City of Dubbo has been conducted in order to frame analysis of the Dubbo Aquatic Leisure Centre in the broader community context.

### FITNESS FOCUS

**Address:** 7 Jannali Road, Dubbo

**Distance from DALC:** 3.5 km

**Facilities:** Indoor hydrotherapy pool with disabled access ramp. The pool is heated to 34oC and provides year round access. The pool is used for hydrotherapy, rehabilitation, aqua aerobics and learn to swim classes. Facilities also previously included an indoor 25 metre pool, however this has not been in use since 2012.

### DUBBO RSL CLUB HEALTH CLUB RESORT

**Address:** Wingewarra Street, Dubbo

**Distance from DALC:** 1.2 km

**Facilities:** Heated indoor 25 metre pool, which offers year round swimming access, aqua aerobics and learn to swim programs. The facility also hosts a number of carnivals throughout the year.





**ELSTON PARK**

**Address:** Cobra Street, Dubbo

**Distance from DALC:** 1 km

**Facilities:** Outdoor, interactive water play area for children that is popular with families and carers of young children during the warm weather months.

**PRIVATE SWIMMING POOLS**

There are more than 2,500 private swimming pools registered in Dubbo (NSW Swimming Pool Register, December 2016). Increasing private pool ownership is a trend that is predicted to continue into the future.

**TOURIST AND VISITOR ACCOMMODATION**

Many motels and visitor accommodation in the City of Dubbo provide an on-site swimming pool for use by visitors and guests. Council records show that there are a total of 42 public swimming pools or spas registered by hotels, motels, caravan parks or other tourist and visitor accommodation sites in Dubbo.

**HYDROTHERAPY POOLS**

Hydrotherapy pools are heated and specifically designed to meet the therapeutic needs of people with impairments due to illness, injury, disease, intellectual handicap or congenital defects or for fitness exercising.

Current hydrotherapy pools in Dubbo, including the Dubbo Base Hospital, Lourdes Hospital and

Orana Gardens Retirement Village, which provide warm water therapy cater for the elderly, people undergoing rehabilitation, people with disabilities, arthritis and injuries.

With the level of existing competition facing the Dubbo Aquatic Leisure Centre, it is vital to ensure that the DALC can distinguish itself as a unique and attractive aquatic and recreation option when compared to these other options already available. In order to attract a wide demographic market as well as the tourist and visitor market, the DALC must ensure it is both affordable and considerably different to be a more attractive option.

**6.4 Enclosed Facilities**

The Dubbo Aquatic Leisure Centre does not currently provide access to any indoor swimming pools that are able to operate on a year round basis.

As a background to preparing the Master Plan for the Dubbo Aquatic Leisure Centre, a review of the provision of 50 metre and 25 metre swimming pools in other Evocities has been undertaken. These Evocities, including Albury, Armidale, Bathurst, Orange, Tamworth and Wagga Wagga are considered competitors of the DALC in terms of attracting major swimming events, competitions and state carnivals to regional areas. This review also supports the need for a future indoor community swimming pool in a large regional City like Dubbo.

	Outdoor Pools		Indoor Pools	
	50 metre	25 metre	50 metre	25 metre
Albury	✓	✓	x	✓ <sup>1</sup>
Armidale	✓	x	x	✓*
Bathurst	✓	x	x	✓
Dubbo	✓	x	x	✓*
Orange	✓	x	x	✓
Tamworth	✓	x	x	✓*
Wagga Wagga	✓	x	x	✓

<sup>1</sup> Pool located in Wodonga

\* Indicates one or more pools operated privately

Table 4. Comparison of 50m and 25m Swimming Pools in other Evocities

As highlighted in Table 4, the aquatic centres at Albury (Wodonga), Bathurst, Orange and Wagga Wagga all currently provide year round access to an indoor 25 metre pool, whilst the LGAs of Armidale, Dubbo and Tamworth have at least one (1) privately run indoor 25 metre pool.

A number of different options to provide an indoor swimming pool at the Dubbo Aquatic Leisure Centre have been analysed as a component of the overall Master Planning process. This analysis is provided as follows:

Indoor Pool Option	Advantages	Disadvantages	Estimated Costs
<b>1. Construct a new 25m indoor pool with a spa or warm water exercise pool</b>	<ul style="list-style-type: none"> <li>A new indoor 25 m pool would be a suitably sized facility given the site constraints of the current DALC and would also enable an additional spa.</li> <li>A new 25 m indoor pool would enable competitive swimmers to train all year round.</li> </ul>	<ul style="list-style-type: none"> <li>A new 25 m pool would add to the operational costs of the DALC, however it is considered these could be subsidised through additional revenue through memberships, expanded exercise classes and a year round learn to swim program.</li> </ul>	\$10-12 million
<b>2. Construct a new 25 m indoor pool with a warm water exercise pool</b>	<ul style="list-style-type: none"> <li>A new indoor 25 m pool would be a suitably sized facility given the site constraints of the current DALC and would also enable an additional warm water exercise pool.</li> <li>A new 25 m indoor pool would enable competitive swimmers to train all year round.</li> </ul>	<ul style="list-style-type: none"> <li>A new 25 m pool would add to the operational costs of the DALC, however it is considered these could be subsidised through additional revenue through memberships, expanded exercise classes and a year round learn to swim program.</li> </ul>	\$11-13 million
<b>3. Enclose the existing 50m outdoor pool</b>	<ul style="list-style-type: none"> <li>Ability for year round training and use – An enclosed 50 m pool would enable public use all year round and competitive swimmers and water polo users could train and compete all year round with no seasonal disruptions.</li> <li>Competitive advantage – Dubbo would have an advantage over other regional cities in NSW by being the only centre with an enclosed 50 m pool and would have the potential to attract large swimming events and competitions to Dubbo.</li> </ul>	<ul style="list-style-type: none"> <li>Age of the pool – the existing 50 m pool, although in good condition, is almost 40 years old. Enclosing a facility of this age is not advisable, nor a suitable long-term investment opportunity.</li> <li>Location – due to the location of the 50 m pool at the front of the DALC site, enclosing it would have implications for the passive surveillance of other swimming areas including the children's leisure pool and proposed splash pad. An enclosed facility should ideally be provided on the periphery of an aquatic centre site, not in the middle to allow good surveillance of pool users.</li> </ul>	\$9-11 million
<b>4. Construction of a new 50m indoor pool</b>	<ul style="list-style-type: none"> <li>An enclosed 50 m pool would enable competitive swimmers and water polo users to train and compete all year round.</li> <li>Dubbo would have a competitive advantage over other regional cities in NSW by being the only centre with an enclosed 50 m pool.</li> </ul>	<ul style="list-style-type: none"> <li>The current DALC site is largely constrained in size and is not considered large enough to allow a new 50 m pool to be constructed on the site. Council also resolved in April 2016 that aquatic facilities not be relocated from the present Victoria Park/CBD site.</li> </ul>	\$13-15 million

### Pool patronage

The Dubbo Aquatic Leisure Centre is open seasonally during the warmer weather months, from September to April. Patron numbers are highly dependent on seasonal weather patterns however have averaged around 90,000 per season over the past five (5) years. This equates to a visitation rate of approximately

2.2 per head of population in Dubbo, as shown in Table 5.

Season	Patronage Numbers	Estimated Resident Population	Visit rate per head per annum
2016/2017	87,188	41,380	2.11
2015/2016	92,275	41,934	2.20
2014/2015	98,435	41,541	2.37
2013/2014	92,866	40,993	2.27
2012/2013	95,849	40,614	2.36
2011/2012	74,123	41,118	1.84
Average	90,123	41,263	2.20

Table 5. Patron Numbers





### 6.6 Constraints Analysis

The following section provides an overview of the major components of the DALC which have been incorporated into the Master Plan, including:

- Entry and Access;
- Linkages and Connectivity;
- Surrounding Land Use;
- Topography; and
- Traffic and Car Parking.

#### 6.6.1 Entry and Access

Vehicular access to the site is considered adequate given the constrained location of the facility in Victoria Park. Entry and access could be improved by centralising access directly from Talbragar Street rather than from Victoria Park and improving accessibility for the elderly population and people with a disability. Improvements to the entrance could be made through better directional and entry signage to improve wayfinding and access to the facility for visitors and tourists, while better access is required for people with a disability. Basic improvements to the entrance could be made through the provision of secure locker storage areas and brighter, more modern paint colours.

#### 6.6.2 Linkages and Connectivity

Good pedestrian and cycle access exists around the facility providing links to/from the centre and is not considered a constraint for the DALC. The facility has a strategic location being adjacent to the Dubbo Central Business District (CBD), major transport routes and Victoria Park.

#### 6.6.3 Surrounding Land Use

Land to the east, south and west is Victoria Park, which is Crown Land under the care and control of Dubbo Regional Council.

The existing configuration of the Park, including Memorial Drive, pathways, Liwi's Place equal access playground, outdoor gym and radial rose garden and stone obelisk, which commemorate the Queen's visit in 1954 are somewhat of a constraint to any expansion of the DALC. Although Crown Lands have considered an expansion of the DALC into Victoria Park reasonable, further consultation at the detailed design stage will be required for them to make a considered response.

In accordance with the Victoria Park Master Plan 2011, it is important to ensure that applied colours and textures used at the DALC, particularly the amenities building facing the Memorial Drive forecourt,





complement the Federation character of Victoria Park.

Land to the north of the DALC is zoned for infrastructure and commercial purposes. This land includes the Dubbo Railway Station and Main Western Railway, office buildings and vacant land which was approved for a shopping centre and car park on 9 May 2014.

#### 6.6.4 Topography

The existing Dubbo Aquatic Leisure Centre is relatively flat and creates no significant constraints to further development of the site. Topography is slightly elevated at the existing kiosk area and is considered an opportunity for potential redevelopment of the kiosk.

#### 6.6.5 Traffic and Car Parking

The Dubbo Aquatic Leisure Centre is serviced by an existing car park off Talbragar Street, which includes capacity for 34 car parking spaces. The car park was completed in September 2010 and prior to this there was no dedicated off-street car parking at the Centre. In addition, on street car parking is available along Talbragar Street and at surrounding ovals. Limited space for additional car parking is considered a constraint to effective long term utilisation and expansion of the Centre.



## 7. Consultation and Engagement

A Community and Stakeholder Engagement Strategy was developed to provide the strategic direction for undertaking public consultation during preparation of the Dubbo Aquatic Leisure Centre Master Plan.

The purpose of the Strategy was to ensure that all relevant stakeholders were provided with an opportunity to participate in the process of preparing the Master Plan.

The aims of the Strategy are to:

- Ensure the development of the Dubbo Aquatic Leisure Centre is undertaken in the environment of a collaborative partnership between Dubbo Regional Council, the community and identified key stakeholders.
- Ensure consultation processes for the development of the Master Plan are aimed at the appropriate audience level.

- Actively engage and reach identified key stakeholders and other parties to ensure a robust Master Plan can be prepared.
- Ensure concise and plain-English communication is provided by Dubbo Regional Council at all times.

Council, in the preparation of the Dubbo Aquatic Leisure Centre Master Plan, is committed to facilitating appropriate stakeholder and community engagement activities that will achieve the following:

- Allow Council to learn different user-perspectives of the Dubbo Aquatic Leisure Centre and how they interact with the space;
- Seek to learn the strengths and weaknesses of the facility from a range of stakeholders; and
- Engage the community in the preparation of a Master Plan for the Dubbo Aquatic Leisure Centre.



The Strategy identified two (2) phases of consultation for the preparation of the Dubbo Aquatic Leisure Centre Master Plan, consisting of the following:

**Phase 1**

Initial consultation with identified stakeholders prior to preparation of the draft Master Plan.

**Phase 2**

Detailed consultation and public exhibition period following completion of the draft Master Plan.

**7.1 Phase 1 – Initial Stakeholder Consultation**

In undertaking Phase 1 of the Community and Stakeholder Engagement, Council sought to identify and undertake a program of consultation with a wide cross-section of stakeholders, as outlined in the Table 6:

Phase 1 of the consultation process was carried out from 18 October 2016 until 18 November 2016. In response, Council received 26 survey responses from a total of 106 identified stakeholders, representing a return rate of approximately 25%. A number of these surveys were carried out during one-on-one interviews over the phone or face-to-face. The quality of surveys returned was very high and were vital to ensuring a good understanding of the perspectives and drivers associated with all users of the Dubbo Aquatic Leisure Centre.

The following section provides an overview of the various issues and needs raised by identified stakeholders during Phase 1 of the consultation.

Stakeholder Groups	Identified Stakeholders	Surveys Received
Schools Sports Associations and Schools	33	11
Dubbo Swimming and Aquatic Clubs	6	8
Other (Aboriginal and disability user groups)	8	2
State and Federal Government	7	2
Commercial and Economic Groups	4	2
Aged Care Groups	16	1
Western NSW Swimming Clubs	23	0
Orana Regional Councils	9	0
Total	106	26

Table 6. Stakeholder Consultation

**7.1.1 Strengths of the facility**

The following list records the strengths of the Dubbo Aquatic Leisure Centre as identified by the individuals and organisations involved in the initial community and stakeholder engagement program:

Area	Strengths of the Dubbo Aquatic Leisure Centre
Accessibility	<ul style="list-style-type: none"> <li>• Accessible to the community</li> <li>• Caters for a wide cross section of Dubbo’s community</li> <li>• Disabled parking and access into grounds</li> <li>• Good parking</li> <li>• Services many different levels of the community</li> </ul>
Amenities	<ul style="list-style-type: none"> <li>• New change room facilities</li> <li>• New toilets/change rooms</li> </ul>
Programs and Events	<ul style="list-style-type: none"> <li>• Accredited swim teachers</li> <li>• Community participation on special event days</li> <li>• Very good education programs</li> </ul>
Facilities – General	<ul style="list-style-type: none"> <li>• Clean and well maintained grounds and surrounds</li> <li>• Free BBQ facilities</li> <li>• Good seating available</li> <li>• Large, open, grassed areas that are suitable for undertaking dry activities</li> <li>• Openness of the facility and swimming pool not being enclosed</li> <li>• Range of pools caters to a range of levels and abilities</li> </ul>
Facilities – Grandstand	<ul style="list-style-type: none"> <li>• Full length grandstand is great</li> <li>• Plenty of shade for students and spectators</li> </ul>





Area	Strengths of the Dubbo Aquatic Leisure Centre
Facilities – Main Pool	<ul style="list-style-type: none"> <li>• Heated 10 lane Olympic size swimming pool with the ability to convert to 25 metre pool</li> <li>• Electronic timing equipment</li> <li>• Good water quality</li> <li>• Lane ropes</li> <li>• New diving blocks</li> <li>• Pool is heated</li> <li>• Recoding room</li> </ul>
Facilities – Club Room	<ul style="list-style-type: none"> <li>• Club room</li> <li>• New kitchen in club room</li> </ul>
Facilities – Leisure and Recreation	<ul style="list-style-type: none"> <li>• Leisure pool is great for younger children</li> <li>• New water slides provides a point of difference and is a major attractor drawing people to the facility</li> </ul>
Facilities – Kiosk	<ul style="list-style-type: none"> <li>• Well stocked and well serviced kiosk</li> </ul>
Location	<ul style="list-style-type: none"> <li>• Central to town</li> <li>• Great location and setting</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• Always looking at innovative ideas to bring more people in to the pool</li> <li>• Open six months of the year with reasonable hours</li> <li>• Professional staff</li> <li>• Positive environment</li> <li>• Reasonable hours</li> </ul>



### 7.1.2 Weaknesses of the facility

The following list records the weaknesses of the Dubbo Aquatic Leisure Centre as identified by the individuals and organisations involved in the initial community and stakeholder engagement program:

Area	Weaknesses of the Dubbo Aquatic Leisure Centre
Accessibility	<ul style="list-style-type: none"> <li>• Car park too small</li> <li>• Entrance facing west into Victoria Park</li> <li>• No disabled access ramp or lift into pool</li> <li>• Pricing structure could be more accessible</li> <li>• Public access to main pool restricted in favour of club training and competition schedules</li> <li>• Water temperature not suitable for all ages and abilities</li> </ul>
Amenities	<ul style="list-style-type: none"> <li>• Basic amenities</li> </ul>
Facilities – General	<ul style="list-style-type: none"> <li>• BBQs difficult to use</li> <li>• Lack of fixed shade structures for use during swimming competitions</li> <li>• No dedicated learn to swim pool</li> </ul>
Facilities – Grandstand	<ul style="list-style-type: none"> <li>• Can be slippery when wet</li> <li>• Grandstand is dated and ageing</li> </ul>
Facilities – Main Pool	<ul style="list-style-type: none"> <li>• Limited lane space for lap swimming</li> </ul>
Facilities – Club Room	<ul style="list-style-type: none"> <li>• Club rooms underutilised and used for storage due to lack of storage areas</li> </ul>
Facilities – Leisure and Recreation	<ul style="list-style-type: none"> <li>• Children’s leisure pool depth progression is dangerous for young children, is too small and can become overcrowded</li> <li>• Lack of recreational and non-lap swimming facilities</li> <li>• No interactive water play area</li> </ul>
Facilities – Kiosk	<ul style="list-style-type: none"> <li>• Limited healthy options at canteen</li> </ul>
Facilities – Other	<ul style="list-style-type: none"> <li>• No diving facilities</li> <li>• No indoor pool</li> <li>• No pool suitable for weaker swimmers</li> <li>• No warm up/cool down pool</li> </ul>
Location	<ul style="list-style-type: none"> <li>• Central to town</li> <li>• Great location and setting</li> </ul>
Operation	<ul style="list-style-type: none"> <li>• Only open part of the year – limited to short warm weather season</li> <li>• Ongoing costs of the facility to the community</li> <li>• Supervision issues due to separation of pools</li> </ul>

### 7.1.3 Improvements that could be made to the facility

The following list records the improvements that could be made to the Dubbo Aquatic Leisure Centre as identified by the individuals and organisations involved in the initial community and stakeholder engagement program:

Area	Improvements that could be made to the Dubbo Aquatic Leisure Centre
Accessibility	<ul style="list-style-type: none"> <li>Expanded car parking</li> <li>Provide better access for people with disabilities, e.g. ramp into pool</li> <li>Provision of facilities that cater to all ages and abilities</li> <li>Reconfiguration of the entrance to face Talbragar Street</li> </ul>
Amenities	<ul style="list-style-type: none"> <li>Unisex change rooms for parents and carers of young children</li> <li>More frequent cleaning of amenities</li> <li>Renovation of amenities</li> </ul>
Facilities – General	<ul style="list-style-type: none"> <li>Increase the size of the facility</li> <li>More relocatable seating, tables and chairs</li> <li>Renovation of existing infrastructure</li> </ul>
Facilities – Grandstand	<ul style="list-style-type: none"> <li>Facelift to grandstand</li> </ul>
Facilities – Main Pool	<ul style="list-style-type: none"> <li>Install automatic timekeeping and a better public address system</li> <li>More shade over deep end and along southern side of the pool</li> <li>Removable bulk head to convert 50 metre pool into 2 x 25 metre pools when required</li> </ul>
Facilities – Leisure and Recreation	<ul style="list-style-type: none"> <li>Better facilities for recreational and leisure activities</li> </ul>
Facilities – Kiosk	<ul style="list-style-type: none"> <li>On site café/coffee shop</li> </ul>
Facilities – Other	<ul style="list-style-type: none"> <li>Dedicated pool suitable for water polo/diving and synchronised swimming</li> <li>Dedicated learn to swim pool that could also be used by weaker swimmers and as a warm up/cool down pool</li> <li>Dedicated storage areas for swimming clubs</li> <li>Gym and consulting rooms that can be leased out to sports professionals</li> <li>Provision of an indoor, heated facility to enable all year round use – either enclose existing 50 metre pool or construct a new indoor 50 metre or 25 metre pool</li> <li>Water play area for children</li> <li>Unique attractor such as wave pool or themed water park</li> <li>Water rehabilitation facilities such as a spa pool and hydrotherapy pool</li> </ul>
Operation	<ul style="list-style-type: none"> <li>Pool to be open all year round</li> </ul>

#### 7.1.4 Ultimate vision for the DALC through to 2036 and beyond

The following list records the ultimate vision for the Dubbo Aquatic Leisure Centre as identified by the individuals and organisations involved in the initial community and stakeholder engagement program:

- A state of the art centre that is both an economic and sport engagement driver.
- An asset to the area and the best aquatic and leisure facility in regional Australia.
- An indoor heated facility that can operate all year round for learn to swim, squad training, water polo and other activities during the winter months.
- Capability to host large aquatic events whilst also catering for the high demand for general public pool use, leisure and recreational activities.

- Larger complex that is easy to access, accommodating and utilised by everyone, including multiple schools, swim squads, learn to swim, water polo, non-swimmers, children, elderly people, people with physical and intellectual disabilities and people from a low socio-economic background.

#### 7.2 Phase 2 – Master Plan Public Consultation

Phase 2 of the public consultation process will include consultation with the wider community and identified stakeholders.

This process will be undertaken following consideration and endorsement of the draft Dubbo Aquatic Leisure Centre Master Plan by Dubbo Regional Council for the purposes of public exhibition.



# 8. Facility Development Strategy

## 8.1 Overall Vision for the Facility

The overall vision for the Dubbo Aquatic Leisure Centre has been formulated taking into account the vision identified by stakeholders during Phase 1 of the community engagement process.

The vision for the Dubbo Aquatic Leisure Centre in 2036 is:

**“A premier aquatic and leisure centre that combines health, fitness, recreation, leisure and a sense of community for everyone in Dubbo and the surrounding region to enjoy.”**

## 8.2 Development Components

The following section provides an overview of the various development components included in the Dubbo Aquatic Leisure Centre Master Plan, incorporating both existing and future development components.

1. Access and Car Parking
2. Entrance
3. Caretakers Residence
4. Amenities
5. 50 m Pool and grandstand
6. Water Slides
7. Kiosk/Café
8. Children’s Leisure Pool
9. Plant Room/Storage
10. Water Play/Splash Pad
11. Indoor Aquatic and Leisure Centre

Each component provides an overview of the recommended development regime for the

Dubbo Aquatic Leisure Centre which seek to accommodate and balance the different aquatic and recreational needs of the community.

### 8.2.1 Access and Car Parking

Vehicular access to the Dubbo Aquatic Leisure Centre is via Talbragar Street to the north. The existing car park on Talbragar Street has the capacity to hold approximately 40 vehicles.

In the short term, car parking should be further extended along Talbragar Street to the east to cater for increased use and demand during peak use times, as shown in Figure 6. Due to the current location of the water slide, the car park would be required to be extended in two (2) stages, with stage one (1) holding a capacity of 58 car spaces and four (4) motor bike spaces and stage two (2) holding a capacity of 70 car spaces and four (4) motor bike spaces.

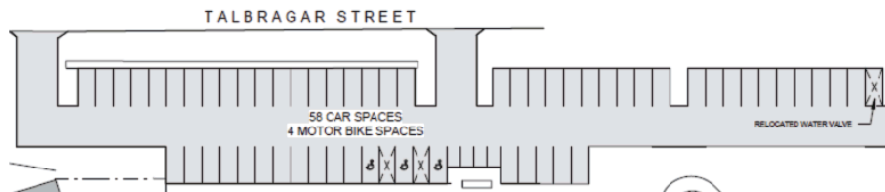


Figure 6. Car Park Extension – Stage 1

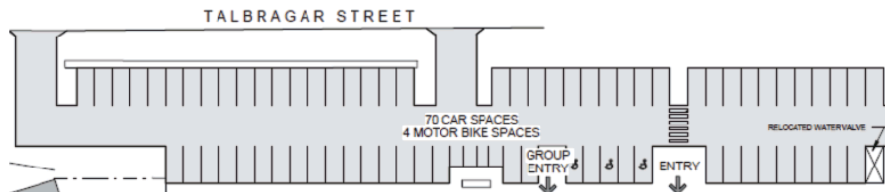


Figure 7. Car Park Extension – Stage 2



Due to the current location of the water slides, stage 2 of the car park is dependent on the relocation of the water slides to another location and the development of an indoor aquatic and leisure centre in the long term, as further discussed in the Master Plan.

Further improvements should also be made to make the centre more accessible and inviting for the elderly and people with a disability. The master plan includes the option for a warm water exercise pool as part of a future indoor swimming centre which has direct access to the relocated entrance and amenities. Additional car parking will also include the addition of additional disabled parking spaces and tactile paving for the vision impaired. The Centre also requires upgraded paving treatment to a non-slip surface to prevent slips and falls when wet.

The Centre currently has existing pedestrian and bicycle access with a shared path running directly along Talbragar Street outside the Centre. Expanded facilities to further encourage active transport should be provided at the centre, including bicycle racks, lockers and personal storage cubes.

8.2.2 Entrance

The existing entrance to the Dubbo Aquatic Leisure Centre is from the western side off Memorial Drive within Victoria Park. It consists of automatic turnstiles between the existing male and female amenities blocks, including a swipe card turnstile for season pass holders and an electronic gate for

casual and disabled access. The entrance turnstiles were last upgraded in 2008. However due to the distance from the car park, this entry point is not considered to be the most ideal location.

In the long term, it is proposed to relocate the entrance of the Centre from the western side to the northern side off Talbragar Street. This relocation would provide better access to the expanded car park, improved disabled access and better wayfinding to the Centre. The relocation would be dependent on the development of an indoor swimming centre as proposed in section 8.2.11.

A new entrance should be of a more attractive and eye catching design that is easily visible from the street to both pedestrian and vehicular traffic. Due to the new entrance being located further away from Victoria Park, it is considered a more modern and striking design would not conflict with the heritage style of the Park and would help bring a new appeal to the Aquatic Centre.

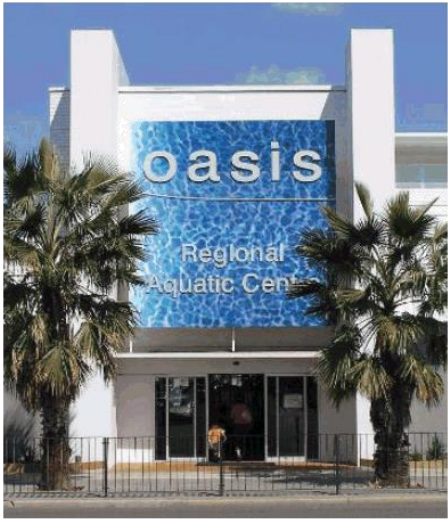
Basic facilities such as locker or cube storage spaces for personal belongings as well as secure bike lockers and racks would also help improve the entrance to the facility by making it more convenient and accessible to a range of users. In the short term, lockers or storage cubes for personal belongings could be provided on the outer walls of the club room within the Centre, which has good visibility across the DALC site.



Adelaide Aquatic Centre



Hervey Bay Aquatic Centre sign on footpath



Oasis Regional Aquatic Centre Wagga Wagga



Broken Hill Regional Aquatic Centre

### 8.2.3 Caretaker's Residence

The caretaker's residence was constructed in 1935 as part of the original development of the Dubbo Aquatic Leisure Centre. Although the residence has been reasonably maintained over time, Council has identified that this component of the Aquatic Centre will not be required in the short to medium term future. Council has previously identified that the house be demolished and remediated in approximately 2018/2019.

### 8.2.4 Amenities

The existing amenities block on the western side of the Centre was recently refurbished prior to the 2016/2017 swimming season. The upgrades to the amenities included new floor tiling, ceiling, lights, partition and seating, tapware and toilets, hot water system, roof patching, internal and external paint, parent's room and automatic table in the disabled toilet.

In the long term, additional amenities will be provided with a future indoor 25 metre swimming pool which is proposed to be located on the eastern side of the DALC site. It is considered that the existing amenities block should be retained in the long term to service summer pool users and large groups such as school carnivals.

### 8.2.5 Main Olympic Pool and Grandstand

The 50 metre Olympic pool is the largest facility at the Dubbo Aquatic Leisure Centre with 10 lanes. The pool also has the ability to convert to an eight (8) lane 25 lap pool with a 25 metre recreation area. The pool has undergone considerable refurbishment from 2005 to 2014.

The well-landscaped grounds are a unique characteristic of the Dubbo Aquatic Leisure Centre. It is recommended that the existing open grassed areas be retained as far as practicable and further enhanced to allow for the continued use for dry activities, recreation, outdoor functions and the effective functioning of major events and swimming carnivals at the Centre. From this point of view, it is not Council's preferred option to enclose the existing 50 m pool.

The grandstand is one of the original pieces of capital construction from 1935. The existing grandstand roof is ageing and requires total replacement in the short term, with a sum of \$50,000 allocated in Council's 2017/2018 budget for this work to be carried out.

### 8.2.6 Water Slide

The twin water slides are the only one of its kind in the Central West and a popular attraction at the





Dubbo Aquatic Leisure Centre. The water slide was originally constructed in 1982 and was recently replaced in 2014 after a 32-year lifespan.

Due to the growing popularity of the water slides and their ability to raise additional revenue for the Aquatic Centre, no changes to this component of the Centre are included in the Master Plan in the short to medium term.

However, in the long term and once the slide is nearing the end of its useful life, options for new and expanded water slides should be considered based on the level of demand for different recreation opportunities. The current location of the slides at the Centre is in the middle of a large expanse of open space, which is underutilised and has been identified for the development of a future indoor swimming centre. The ideal location for the water slide would be on the southern side of the Aquatic Centre.

#### 8.2.7 Kiosk/Café Area

The existing kiosk is located in the south-western corner of the Dubbo Aquatic Leisure Centre. Originally constructed in 1963/1964, the kiosk underwent major refurbishments in 2006/2007 following a burst water main.

In the short term, the outdoor gym equipment that is currently adjacent to the kiosk should be relocated elsewhere in Victoria Park to enable an expansion of the kiosk area to include café style and outdoor dining in Victoria Park, whilst also servicing pool patrons.

In the short term, a trial of pop-up eateries could be undertaken in this precinct to gauge whether a redevelopment of the kiosk into a more permanent café or restaurant could be successful in this area overlooking the children's splash pad and leisure pool at the Aquatic Centre or the landscaped gardens of Victoria Park.

#### 8.2.8 Children's Leisure Pool

The location of the existing children's leisure pool is considered appropriate having regard to its proximity to the proposed water play area and water slides and surrounding grassed areas. By grouping similar uses together, a functional and practical layout can be achieved.

In the long term, there is the potential to consider an expansion of the existing children's leisure pool to accommodate larger groups and improve safety in terms of depth progression which has been identified as a safety issue with the current pool. It is recommended that the children's leisure pool



be retained in the short to medium term and that consideration be given to expanding and upgrading the pool in the longer term.

#### 8.2.9 Plant Room, Waste and Storage

The water treatment plant facilities are essential to the maintenance of approximately 2,300 cubic metres of water contained at the Dubbo Aquatic Leisure Centre. The water treatment plant filters and chlorinates the water to continually maintain a healthy and attractive swimming environment.

In order to meet current standards, higher filtration rates are required to be provided which will require an upgrade of the filtration system. Taking this into consideration and given the potential addition of a new indoor 25 m pool, it is recommended that any upgrade of the water treatment plant be relocated and consolidated to the outer boundary of the Dubbo Aquatic Leisure Centre site in order to maximise the useable space for aquatic and leisure recreation by the public.

The Master Plan includes the proposed addition of a new splash pad in the short term, which would require a separate plant room approximately 6 m x 3 m, provided adjacent to the splash pad. Ideally this smaller plant room would be consolidated into the main plant area however this would likely be a long term action. The relocation and consolidation

of plant facilities to a single location on the eastern boundary of the site provides a centralised area for staff working at the centre to maintain and store chemicals with easy access to the service laneway for the delivery of new chemicals and the disposal of waste generated from the day to day operation of the pool.

#### 8.2.10 Water Play/Splash Pad

The current Dubbo Aquatic Leisure Centre does not provide any water play area as part of its mix and offering of aquatic and leisure facilities. Water play areas with a zero water depth are widely nominated as the first option when upgrading or enhancing any older style aquatic and leisure facility due to their increasing popularity among all ages, lower risk of drowning and are considered relatively inexpensive to build and operate.

Council has received a grant of \$800,000 under the Stronger Communities Fund – Major Projects for the development of a water play park at the Dubbo Aquatic Leisure Centre site to provide an additional aquatic and recreational option at the Centre.

The area considered most suitable for the purposes of a new interactive water play area is the site between the existing kiosk and children's leisure pool.



8.2.11 Indoor Aquatic and Leisure Centre

**Indoor Pool**

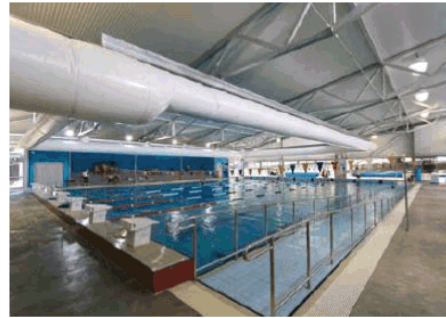
As a component of the master planning process, consideration of a number of options for the development of an indoor swimming pool at the DALC has been undertaken.

1. Construction of a new indoor 25 m pool with multi-purpose space and spa
2. Construction of a new indoor 25 m pool with warm water exercise pool
3. Enclosure of the existing 50 m pool

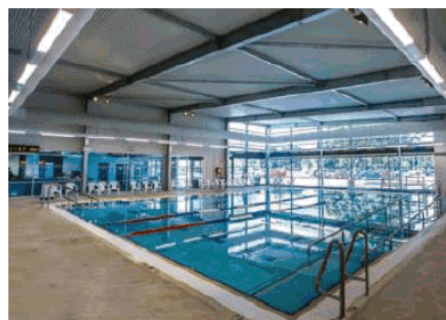
The ideal location for a future indoor pool at the facility has been identified as the eastern side of the Aquatic Centre land which is currently a highly underutilised space due to the location of the existing water slide.

The facility would enable use all year round to meet the demand of the community including lap swimming, learn to swim programs, aqua aerobics classes, water polo and synchronised swimming.

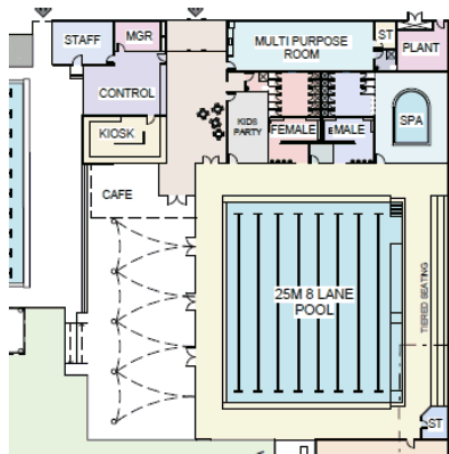
The proposed 25 metre indoor pool also includes a disabled access ramp with rails for wheelchair access. To further encourage and support disabled access, a water wheelchair could also be provided for use by the public.



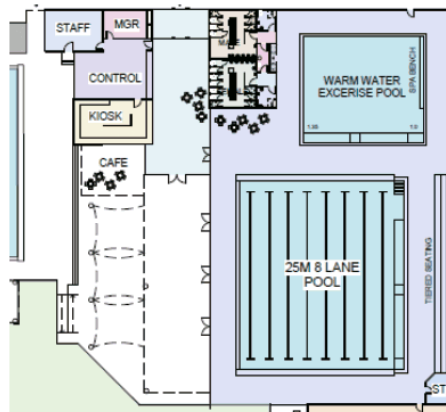
Example Indoor Pool with Disabled Access Ramp



Example Indoor Pool with Disabled Access Ramp



Option 1



Option 2



### Fitness/Gym Facilities

The Dubbo Aquatic Leisure Centre does not currently include a gym or fitness facility at the Centre. However many aquatic centres are expanding to include a gym or fitness facility to provide an additional source of income through memberships.

In the long term and as a component of any indoor swimming centre to be constructed at the DALC, the provision of an area suitable for use as a gym or fitness centre should also be considered. However, in the short to medium term, the development of a gym is not considered a viable development option due to the relatively high number of existing gyms in Dubbo, high set up costs and existing land use constraints at the DALC site limiting the size of a gym and associated car parking.

### Multi-Purpose Space

Option 2 for the long term Dubbo Aquatic Leisure Centre Master Plan provides an area of approximately 185 m<sup>2</sup> of multi-purpose space which could be utilised for kids parties, group exercise classes, training facility for Royal Life Saving Society or for meeting hire.



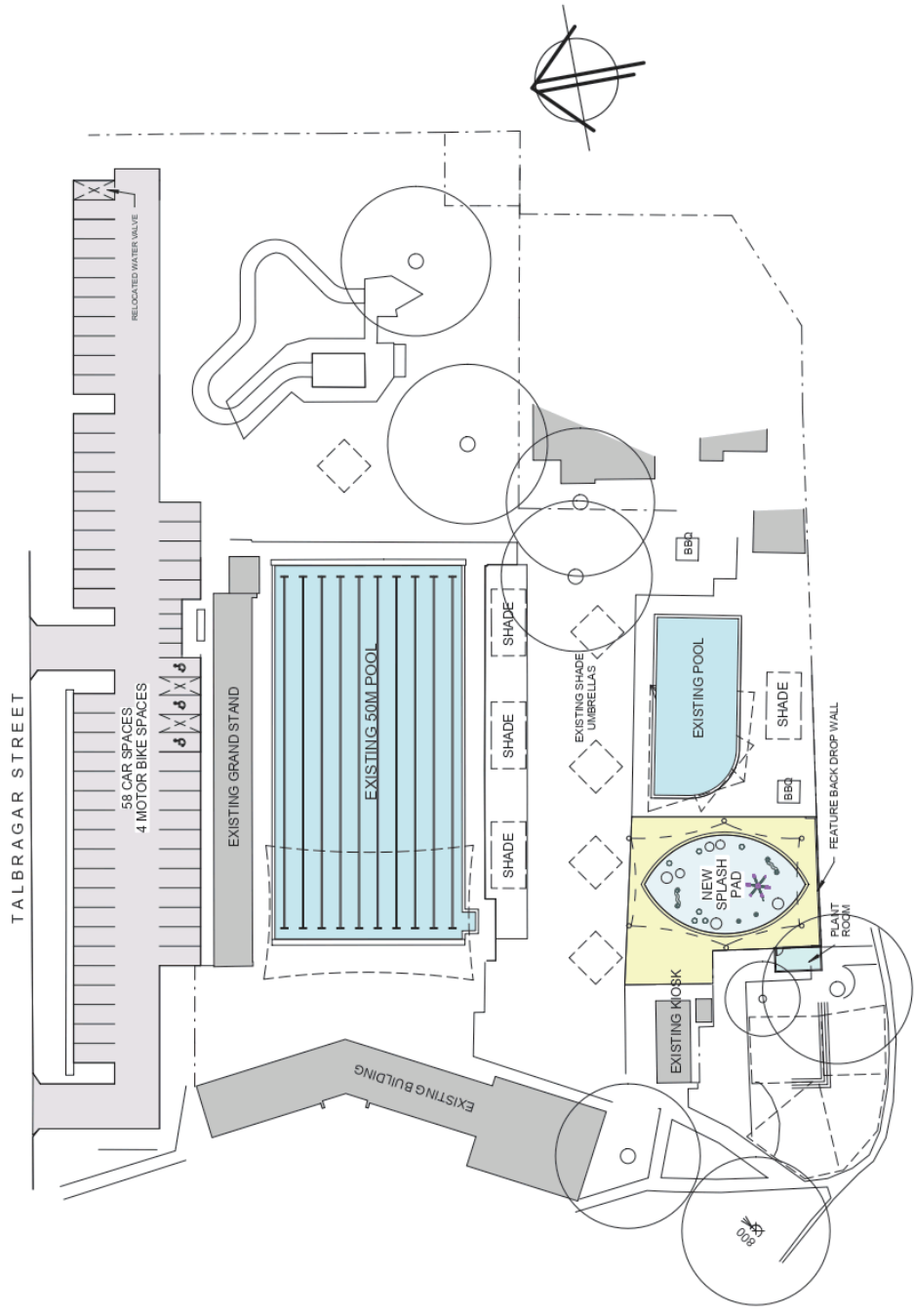
## 9. Master Plan Concept Plans

The Dubbo Aquatic Leisure Centre Master Plan has been prepared for the following stages:

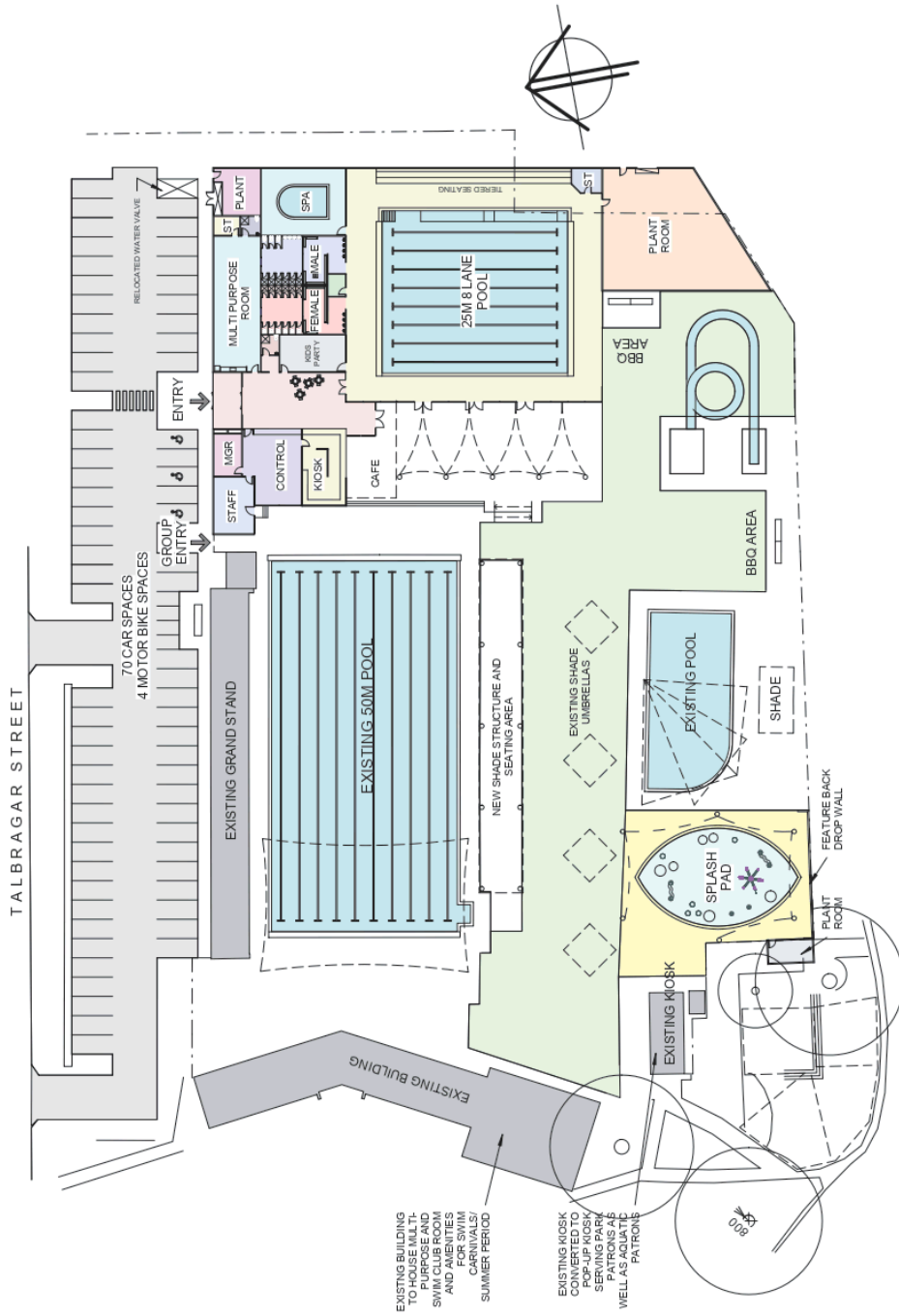
- Stage 1 - Splash pad, car parking and demolition of caretakers residence
- Stage 2 Option 1 - New indoor 25 m x 8 lane pool and spa
- Stage 2 Option 2 - New indoor 25 m x 8 lane pool and program pool
- Stage 2 Option 3 - Enclosure of existing 50 m pool
- Stage 2 Option 4 - New indoor 50 m pool and facilities

The proposed staging of the Master Plan is based on Council's ability to fund the proposed development, demonstrated need for an indoor pool in the long term and to enable the continued operation of key functional areas. However, should additional funding opportunities arise that would enable a more rapid implementation of any medium to long term development components, these should be actively pursued by Council.





**DUBBO AQUATIC CENTRE**  
**A101 SITE PLAN- STAGE 1**  
 Facility Design Group  
 ARCHITECTS  
 22.6.17



EXISTING BUILDING TO HOUSE MULTI-PURPOSE ROOM, SWIM CLUB ROOM AND AMENITIES FOR SWIM CARNIVALS/ SUMMER PERIOD

EXISTING KIOSK CONVERTED TO POP-UP KIOSK SERVING PATRONS AND WELL AS PATRONS

DUBBO AQUATIC CENTRE

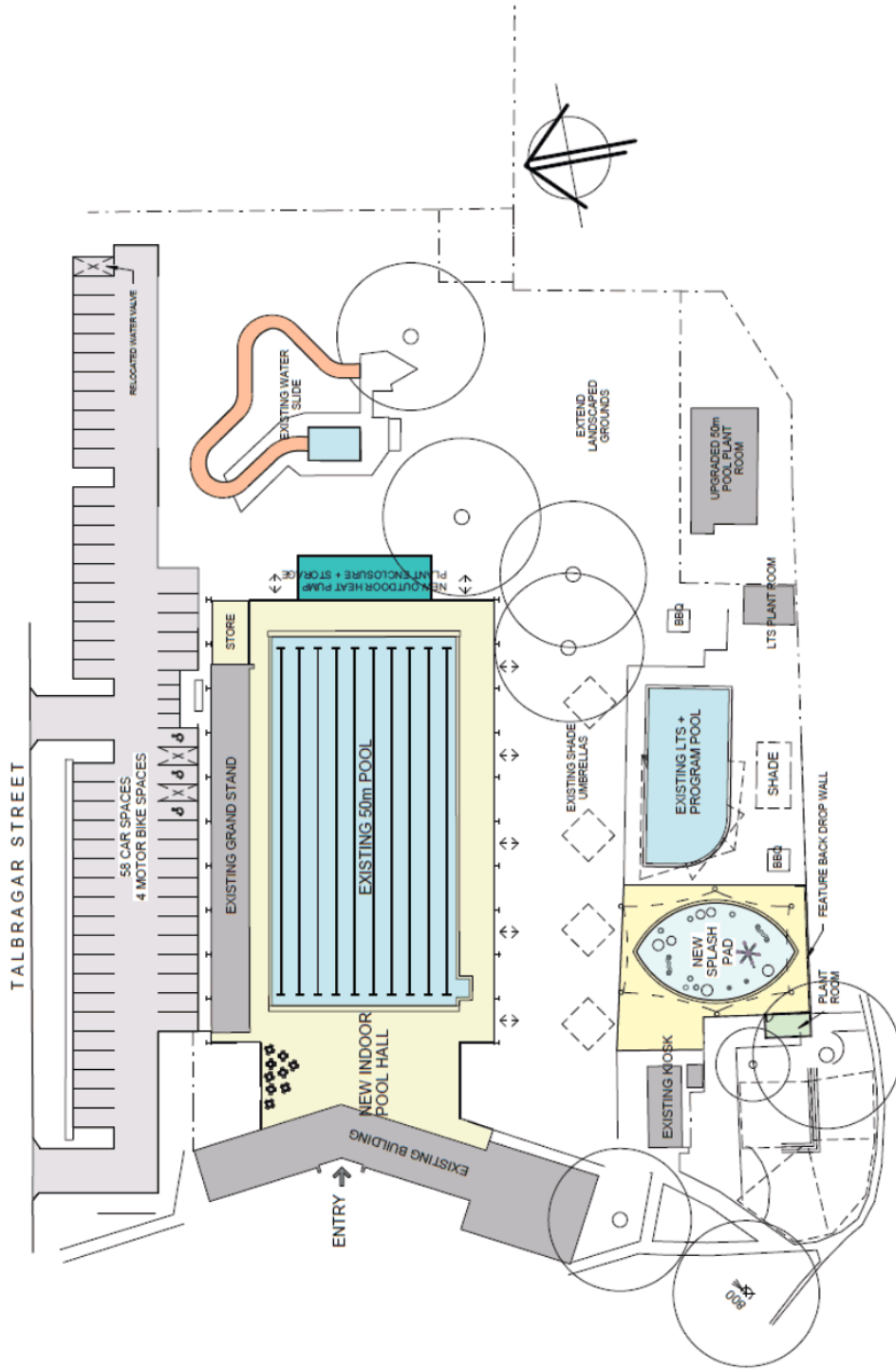
A101 SITE PLAN- STAGE 2- OPTION 1

Facility Design Group  
ARCHITECTS

22.6.17





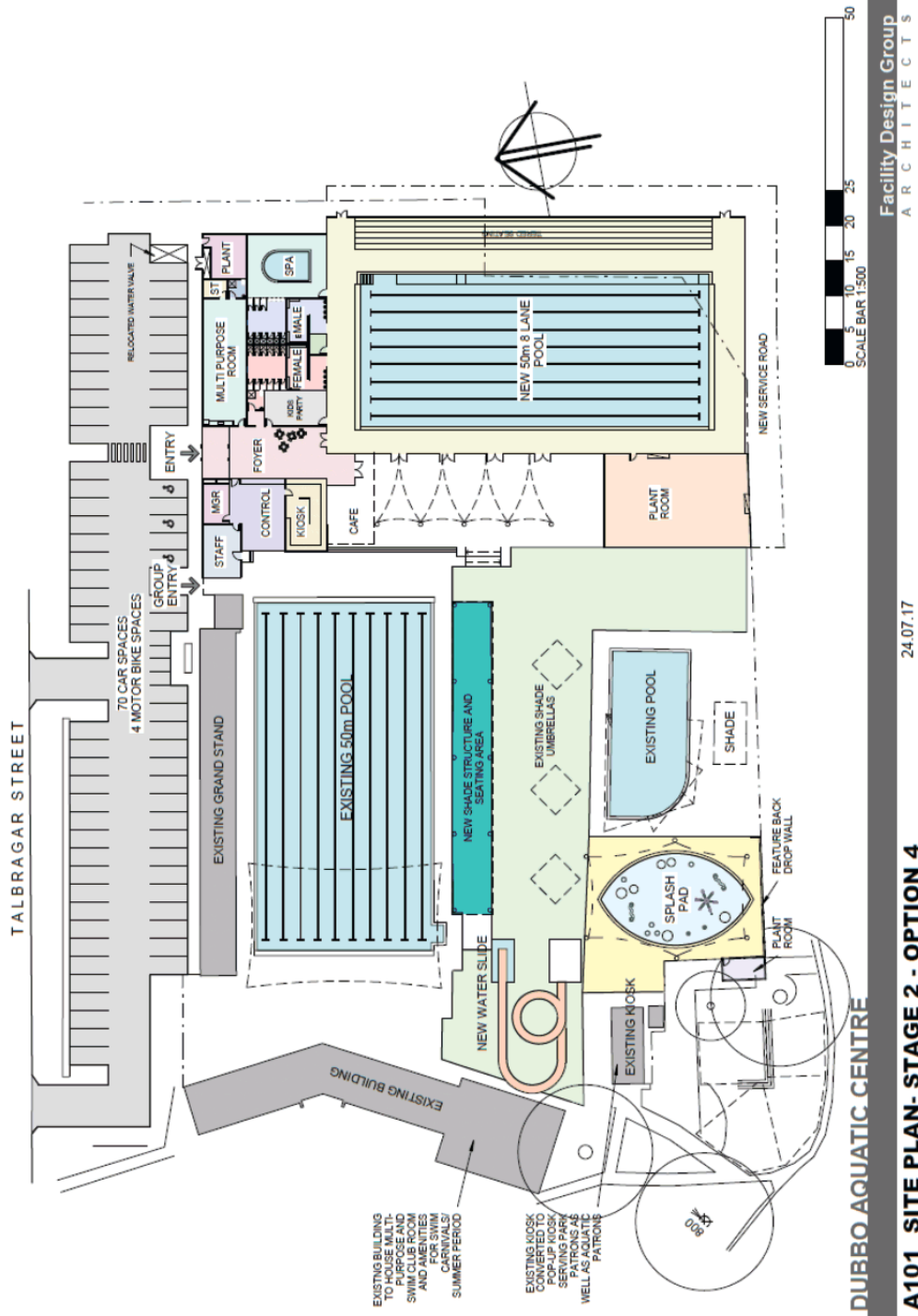


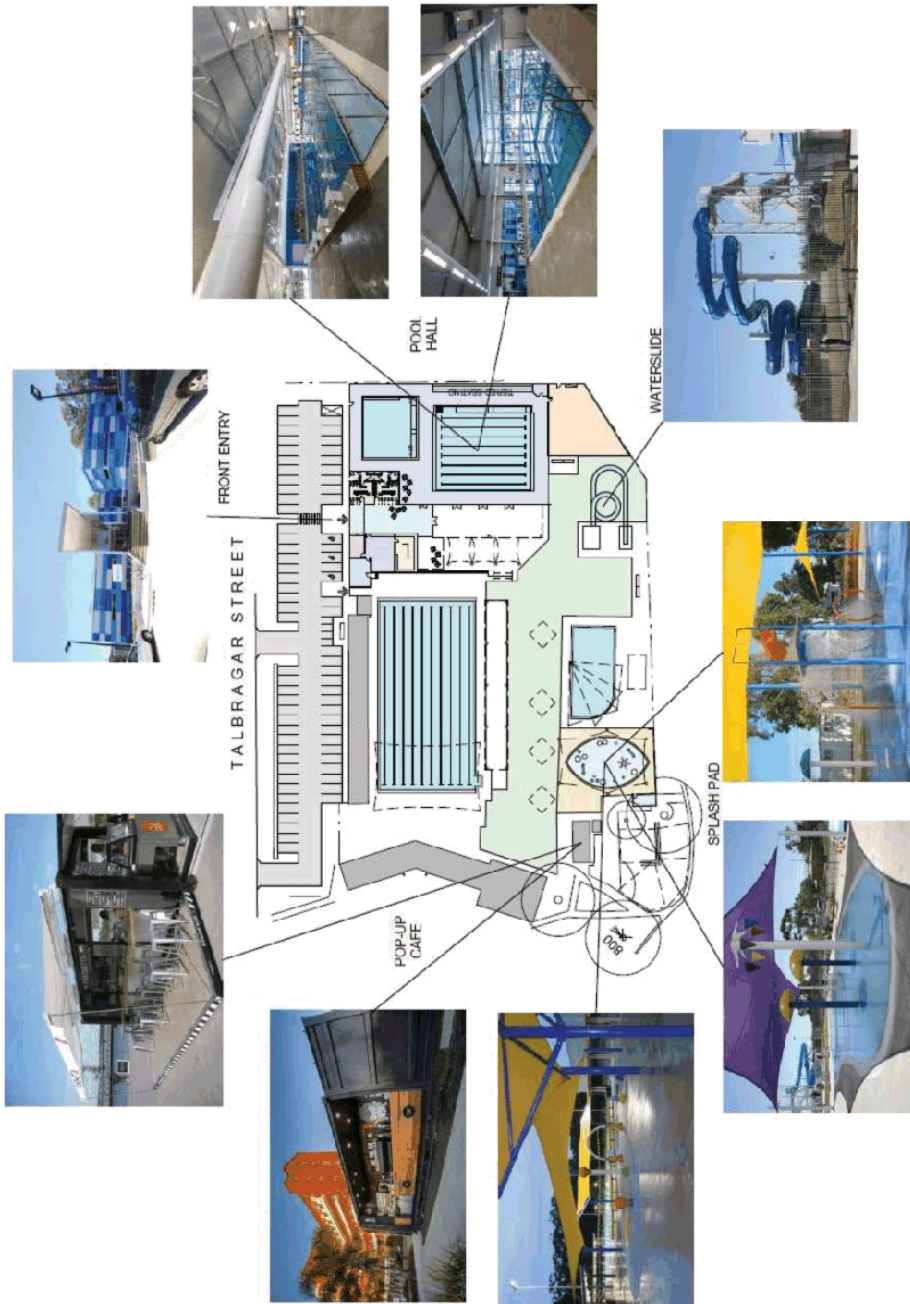
DUBBO AQUATIC CENTRE

A101 SITE PLAN - STAGE 2 OPTION 3

Facility Design Group  
ARCHITECTS

24.7.17





**DUBBO AQUATIC CENTRE**  
**A102 IMAGE COLLAGE**

Facility Design Group  
 A R C H I T E C T S

30.0.17

## 10. Staging and Opinion of Probable Cost

The anticipated staging of the proposed facilities and infrastructure included in the Master Plan are summarised in the following sections. This staging will be subject to a range of factors including operational and economic factors.

### Dubbo Aquatic Centre – Stage One

#### Opinion of probable cost – 2.07.2017

STAGE ONE – SPLASH PAD, CAR PARK, HOUSE DEMOLITION, NEW CAFÉ AREA		
COMPONENT	COST/M <sup>2</sup>	TOTAL
1. Services augmentation - electricity, water, sewer	Item	\$ 25,000
2. New plant room to west of splash pad position – 3 m x 6 m = 18 m <sup>2</sup> including balance tank below	\$ 2,800/m <sup>2</sup>	\$ 50,400
3. Concrete works – splash pad, concourse surround, drainage, sump – 495 m <sup>2</sup>	\$ 220/m <sup>2</sup>	\$ 108,900
4. Filtration & Reticulation	Item	\$ 145,000
5. Water Toys & Features	Item	\$ 200,000
6. Rubber Surface – 200 m <sup>w</sup>	\$330/m <sup>2</sup>	\$ 66,000
7. Shade Structure	Item	\$ 50,000
8. Rear Feature Wall to park - core filled & rendered 200mm block wall + footing – 50 m <sup>2</sup>	\$ 400/m <sup>2</sup>	\$ 20,000
9. Artwork to feature wall - both sides	Item	\$ 4,000
10. Professional Fees, architectural, electrical filtration & reticulation, toy selection & specifications, tender document and price schedule	Item	\$ 90,000
11. Demolition/remediation of caretakers residence	Item	\$50,000
12. Expansion of car park – Phase 1 (900 m <sup>2</sup> )	\$ 150/m <sup>2</sup>	\$135,000
13. Relocation of gym equipment for pop up café/restaurant area	Item	\$10,000
14. Installation of compact laminate storage cubes and lockers on external club room wall	Item	\$2,000
15. Contingency	Item	\$ 30,000
<b>TOTAL</b>		<b>\$ 986,300</b>

## Dubbo Aquatic Centre - Stage Two - Option One

Opinion of probable cost – 25.07.2017

STAGE TWO - INDOOR AQUATIC CENTRE - OPTION 1 - 25m x 8 lane pool + spa		
COMPONENT	COST/M <sup>2</sup>	TOTAL
1. Services augmentation – electricity, sewer, water, fire	Item	\$ 200,000
2. Earthworks & Excavation	Item	\$ 120,000
3. Pool & Spa Hall - 1,200 m <sup>2</sup>	\$ 2,600 m <sup>2</sup>	\$ 3,120,000
4. Spa Plant Room + Pool Plant – 336 m <sup>2</sup>	\$1,000 m <sup>2</sup>	\$ 336,000
5. Multipurpose Room including amenity + store + kitchenette + Kids Party Room – 174 m <sup>2</sup>	\$ 1,900 m <sup>2</sup>	\$ 330,600
6. Entry/foyer - 161 m <sup>2</sup>	\$ 1,600 m <sup>2</sup>	\$ 257,600
7. Staff + Manager + Control + Kiosk – 210 m <sup>2</sup>	\$ 1,600 m <sup>2</sup>	\$ 336,000
8. Control and Kiosk Fitout	Item	\$ 120,000
9. 25 m x 8 lane lap pool with Ramp	Item	\$ 840,000
10. Spa Pool + Plant & Reticulation	Item	\$ 120,000
11. Amenities + Accessible + Multi-Purpose + Foyer Amenities - 162 m <sup>2</sup>	\$ 2,400 m <sup>2</sup>	\$ 388,800
12. 25m Pool Plant + Reticulation	Item	\$ 475,000
13. 50m Pool Plant + Reticulation	Item	\$ 780,000
14. Existing LTS Pool Plant + Reticulation	Item	\$ 320,000
15. New Café Concourse + 25 m pool spill out area - 450 m <sup>2</sup>	\$ 135 m <sup>2</sup>	\$ 60,750
16. Shade Structures adjacent 25 m pool hall	Item	\$ 75,000
17. Office Fitout, Computers, Café furniture etc.	Item	\$ 60,000
18. Water Slide - 2 Tubes + Flumes	Item	\$ 450,000
19. New Shade Structure adjacent 50 m Pool - 266 m <sup>2</sup>	350 m <sup>2</sup>	\$ 93,100
20. Ramps , Stairs and Accessible Elements	Item	\$ 75,000
21. Pool Equipment, Blankets etc.	Item	\$ 75,000
22. Expansion of car park – Phase 2 (900 m <sup>2</sup> )	\$ 150 m <sup>2</sup>	\$ 135,000
23. General Landscaping + Fencing + BBQs	Item	\$ 80,000
24. SUB TOTAL		\$ 8,965,450
25. Preliminaries over \$ 8.9 million	12%	\$ 1,068,000
26. Contingency – over \$ 8.9 million	5%	\$ 445,000
27. Professional Fees	8%	\$ 712,000
<b>28. GRAND TOTAL</b>		<b>\$ 11,190,450</b>

## Dubbo Aquatic Centre - Stage Two - Option Two

Opinion of probable cost – 25.07.2017

STAGE TWO - INDOOR AQUATIC CENTRE - OPTION 2 - 25m x 8 lane pool + program pool		
COMPONENT	COST/M <sup>2</sup>	TOTAL
1. Services augmentation – electricity, sewer, water, fire	Item	\$ 200,000
2. Earthworks & Excavation	Item	\$ 120,000
3. Pool Hall - 1580 m2	\$ 2,600 m2	\$ 4,108,000
4. Amenities - 105 m2	\$ 2,400 m2	\$ 252,000
5. Entry/Foyer - 172 m2	\$ 1,600 m2	\$ 275,200
6. Staff + Manager + Control + Kiosk – 211 m2	\$ 1,600 m2	\$ 337,600
7. Control and Kiosk Fitout	Item	\$ 120,000
8. 25m x 8 lane lap pool with Ramp	Item	\$ 840,000
9. LTS/Warm Water Exercise Pool - 16 x 14 m	Item	\$ 400,000
10. Plant Room - 296 m2	\$ 1,350 m2	\$ 399,600
11. 25m Pool Plant + Reticulation	Item	\$ 475,000
12. LTS/Warm Water Exercise Pool Plant & Reticulation	Item	\$ 350,000
13. 50 m Pool Plant + Reticulation	Item	\$ 780,000
14. Existing LTS Pool Plant + Reticulation	Item	\$ 320,000
15. New Café Concourse + 25 m pool spill out area - 540 m2	\$ 135 m2	\$ 72,900
16. Shade Structures + Roof Overhang adjacent 25 m pool hall	Item	\$ 150,000
17. Office Fitout, Computers, Café furniture etc.	Item	\$ 60,000
18. Water Slide - 2 Tubes + Flumes	Item	\$ 450,000
19. New Shade Structure adjacent 50 m Pool – 350 m2	\$ 350 m2	\$ 122,500
20. Ramps , Stairs and Accessible Elements	Item	\$ 75,000
21. Pool Equipment, Blankets etc.	Item	\$ 85,000
22. New Parking – 900 m2	\$ 150 m2	\$ 135,000
23. General Landscaping + Fencing + BBQs	Item	\$ 80,000
22. SUB TOTAL		\$ 10,207,800
23. Preliminaries over \$ 10.2 million	12%	\$ 1,224,000
32. Contingency – over \$ 10.2 million	5%	\$ 500,000
33. Professional Fees	8%	\$ 816,000
<b>34. GRAND TOTAL</b>		<b>\$ 12,747,800</b>

## Dubbo Aquatic Centre - Stage Two - Option Three

Opinion of probable cost – 25.07.2017

## STAGE TWO - INDOOR AQUATIC CENTRE - OPTION 3 - ENCLOSURE OF EXISTING 50M POOL

## COMPONENT

1.	Services augmentation – electricity, sewer, water, fire	Item	\$ 200,000
2.	Earthworks & Excavation	Item	\$ 30,000
3.	Pool Hall - 2,605 m2	\$ 2,600 m2	\$ 6,773,000
4.	Plant Room - Air Handling - roofed open enclosure - 110 m2	\$ 650 m2	\$ 71,500
5.	New 50m Pool Plant + Reticulation within old plant room	Item	\$ 500,000
6.	Office Fitout, Computers, Café furniture etc.	Item	\$ 60,000
7.	New Parking – 900 m2	\$ 150 m2	\$ 135,000
8.	General Landscaping + Fencing + BBQs	Item	\$ 80,000
9.	SUB TOTAL		\$ 7,849,500
10.	Preliminaries over \$ 7.8 million	12%	\$ 1,230,000
11.	Contingency – over \$ 7.8 million	5%	\$ 510,000
12.	Professional Fees	8%	\$ 820,000
<b>13.</b>	<b>GRAND TOTAL</b>		<b>\$ 10,409,500</b>

## Dubbo Aquatic Centre - Stage Two - Option Four

Opinion of probable cost – 20.06.2017

## STAGE TWO - INDOOR AQUATIC CENTRE - OPTION 4 - NEW INDOOR 50M POOL + FACILITIES

## COMPONENT

1. Services augmentation – electricity, sewer, water, fire	Item	\$ 200,000
2. Earthworks & Excavation	Item	\$ 140,000
3. Pool Hall + Spa Hall – 2,156 m <sup>2</sup>	\$ 2,600 m <sup>2</sup>	\$ 5,605,600
4. Amenities - 161 m <sup>2</sup>	\$ 2,400 m <sup>2</sup>	\$ 386,400
5. Entry/Foyer + Kids Party Room – 206 m <sup>2</sup>	\$ 1,600 m <sup>2</sup>	\$ 329,600
6. Staff + Manager + Control + Kiosk – 210 m <sup>2</sup>	\$ 1,600 m <sup>2</sup>	\$ 336,000
7. Control and Kiosk Fitout	Item	\$ 120,000
8. Multi-purpose Room – 128 m <sup>2</sup>	\$ 1,900 m <sup>2</sup>	\$ 243,200
9. Plant Rooms – 325 m <sup>2</sup>	\$ 1,350 m <sup>2</sup>	\$ 438,750
10. Spa Pool + Plant & Reticulation	Item	\$ 120,000
11. New 8 Lane 50m Pool Fully Tiled	Item	\$ 1,400,000
12. New Indoor 50m Pool Plant + Reticulation	Item	\$ 780,000
13. Existing LTS Pool Plant + Reticulation	Item	\$ 320,000
14. Existing 50 m plant & reticulation	Item	\$ 650,000
15. New Café Concourse + 25 m pool spill out area – 540 m <sup>2</sup>	\$ 125 m <sup>2</sup>	\$ 67,500
16. Shade Structures + Roof Overhang adjacent 50 m pool hall	Item	\$ 100,000
17. Office Fitout, Computers, Café furniture etc.	Item	\$ 60,000
18. New Shade Structure adjacent 50 m Pool - 350 m <sup>2</sup>	\$ 350 m <sup>2</sup>	\$ 122,500
19. Ramps, Stairs and Accessible Elements	Item	\$ 75,000
20. Pool Equipment, Blankets etc.	Item	\$ 85,000
21. New Parking – 900 m <sup>2</sup>	\$ 150 m <sup>2</sup>	\$ 135,000
22. General Landscaping + Fencing + Bar Be Ques + New Service Road	Item	\$ 130,000
<b>23. SUB TOTAL</b>		<b>\$ 11,844,550</b>
24. Preliminaries over \$ 11.8 million	12%	\$ 1,416,000
25. Contingency – over \$ 11.8 million	5%	\$ 590,000
26. Professional Fees	8%	\$ 944,000
<b>27. GRAND TOTAL</b>		<b>\$ 14,794,550</b>



The costs of implementing the Master Plan for the Dubbo Aquatic Leisure Centre are substantial, as provided in the above opinion of probable cost. However, the Master Plan has been intentionally designed to be flexible with a number of components able to be completed in an alternative staging. The above staging has been designed based on Council's priorities for the expenditure of funding for a water play area, long term needs for the aquatic centre need for an indoor pool in the long term and to enable the continued operation of key functional areas.









DRAFT

DUBBO AQUATIC LEISURE CENTRE  
- MASTER PLAN ENGAGEMENT STRATEGY



## Master Plan Public Consultation

Council will seek public submissions in respect of the draft Dubbo Aquatic Leisure Centre (DALC) Master Plan during the formal public exhibition period and will utilise a variety of channels to ensure engagement is achieved with a broad cross-section of stakeholders.

The public consultation process will include consultation with the wider community and identified stakeholders.

This process will be undertaken following consideration and endorsement of the draft Dubbo Aquatic Leisure Centre Master Plan by Dubbo Regional Council for the purposes of public exhibition.

### Strategy aims:

The aims of the overall strategy is to ensure that stakeholders are aware that Council's draft Dubbo Aquatic Leisure Centre Master Plan is on Public Exhibition and submissions are invited.

Successful community engagement will ensure the new draft Dubbo Aquatic and Leisure Centre Master Plan will reflect the collective priorities of stakeholders.

The Engagement Strategy will raise awareness and inform the community about opportunities to view and provide feedback on the draft Dubbo Aquatic Leisure Centre and create an understanding of budget allocations and delivery timeframes.

It will allow Council to learn different user-perspectives of the Dubbo Aquatic Leisure Centre and how they interact with the space, learn the strengths and weaknesses of the facility from a range of stakeholders, and involve the community in the preparation of a Master Plan for the Dubbo Aquatic Leisure Centre.

This strategy will ensure the development of the Dubbo Aquatic Leisure Centre is undertaken in the environment of a collaborative partnership between Dubbo Regional Council, the community and identified key stakeholders. The Dubbo Regional Council will aim to use concise and plain-English communication at all times.

### Objectives of engagement plan

- Ensure the community and stakeholders are aware of their opportunities to provide feedback on the draft Dubbo Aquatic Leisure Centre Master Plan;
- Demonstrate how the key issues and priorities for stakeholders and the community based on geography, demographics and stakeholder interest groups have been incorporated into the plan;
- Demonstrate how Council and the Community worked together to develop the draft Dubbo Aquatic Leisure Centre Master;
- Connect with stakeholders and provide feedback on their collaboration by using engagement activities and locations appropriate to the local community; and
- Ensure the community and stakeholders are able to compare and provide comments on the four (4) options as part of Stage 2.

### Engagement Methodology:

#### Level of impact and influence

The Dubbo Aquatic Leisure Centre is a crucial element of sport and recreation for the region and as such there is a high level of impact across the LGA reaching all sectors.

The Community Engagement Plan is seeking to inform a comprehensive and representative cross section of the whole LGA.

**Type of participation**

In reference to the International Association for Public Participation's IAP2's Public Participation Spectrum, the level of impact for this project is set at: CONSULT

In this regard Council's goal is to consult community representatives and groups that their feedback and priorities were considered in the preparation of the draft DALC Master Plan and to invite submissions during the Public Exhibition phase.

Council will involve groups of people in the process to meet this goal. In turn, the community has a role to actively participate when given an opportunity and to provide comment on the draft through Council channels.

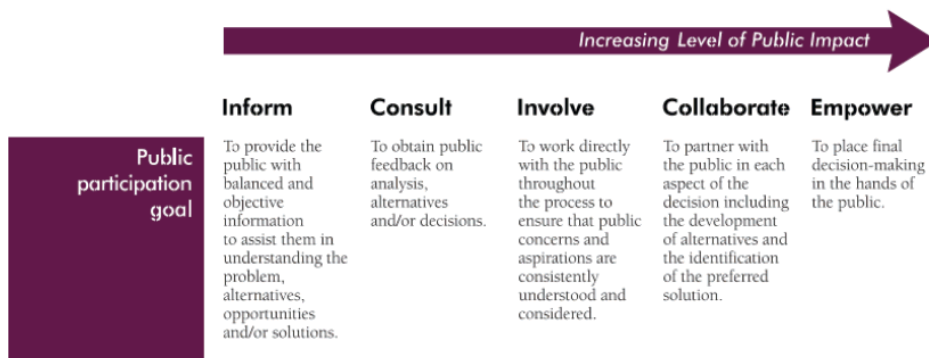
**Stakeholders**

Community engagement will be undertaken with a range of stakeholders that are deemed to have an interest in the long-term growth and prosperity of the Local Government Area. Specific stakeholder groups will be identified prior to engagement and refined as required at different stages of the Community Engagement Plan.

Stakeholders to be involved include:

- Residents and rate payers;
  - Major businesses and industries and small businesses in the region;
  - Council's Advisory Committees;
  - Community and sporting groups;
  - Aboriginal groups;
  - Education sector;
  - Visitors;
  - Neighbouring Councils;
  - Dubbo Regional Council staff (Chief Executive Officer, Directors, and Operational staff);
  - Sports Associations and Schools;
  - Dubbo Swimming and Aquatic Clubs;
  - Western NSW Swimming Clubs;
  - Aged Care Groups;
  - Commercial and Economic Groups;
  - State and Federal Government; and
  - Disability user groups.
- Timeframe and resources

## IAP2 Spectrum of Public Participation





The Community Engagement Program will be implemented from for a minimum period of 28 days following Council adoption. The schedule of Community Engagement activities is outlined below:

- i) Public launch of the draft Master Plan including media releases;
- ii) Minimum 28 day public submission and consultation period;
- iii) Preparation of a 'snapshot' document outlining the following:
  - The Master planning process;
  - Contents of the Master Plan;
  - Master Plan concept design options; and

**How to find further information.**

- iv) Mail out to key stakeholders, Dubbo Aquatic Leisure Centre neighbours and other stakeholders;
- v) Information included on the Dubbo Regional Council website; and
- vi) Public display at the Dubbo Aquatic Leisure Centre and the Dubbo Civic Administration Building

The Community Engagement Strategy will utilise staff resources from Strategic Planning Services, Community and Recreation and Communications and Stakeholder Engagement. Communications and Stakeholder Engagement staff resources will be coordinated by the Stakeholder Engagement Coordinator.

Strategic Planning Services staff resources will be coordinated by the Manager of Strategic Planning Services.

**Feedback, reporting and evaluating**

Communications and Stakeholder Engagement will prepare a detailed engagement report for the project encompassing the reach of the consultation and Public Exhibition period.

City Strategy will be responsible for recording, collating and reviewing of public submissions and incorporating any necessary amendments in the draft Plan.

Results of the Community Engagement will be reported to Council as required and in association with reporting on progress of the development of the draft DALC Master Plan.



### Community engagement activities

The planned activities for implementing the Community Engagement have been developed in order to provide opportunities for broad-scale consultation utilising on and offline channels presented in a language that is clear and concise in an effort to maximise the number of submissions received.

A communications plan will be implemented incorporating an extensive advertising campaign utilising print, broadcast and social media to raise awareness during the exhibition period and submission process.

Proposed Engagement activities include, but are not limited to:

- Online survey;
- Face-to-face and pop-up consultations at local events;
- Phone surveys;
- Targeted stakeholder focus groups; and
- Social media campaign.







Cnr Church and Darling Street, Dubbo  
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Ph: (02) 6801 4000  
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DUBBO REGIONAL  
COUNCIL

## REPORT: Wiradjuri Tourism Experience Consultation Plan and Progress Report

**AUTHOR:** Director Community and Recreation  
**REPORT DATE:** 5 July 2018  
**TRIM REFERENCE:** ID18/1119

### EXECUTIVE SUMMARY

Council was granted \$27 million by the NSW Government in August 2017. Of this sum \$1.5 million was allocated to a Wiradjuri Tourism Experience in both Dubbo and Wellington. The grant arose from an application to the Stronger Communities Fund – Major Projects for the Wiradjuri Park (Dubbo) Master Plan implementation seeking \$900,000.

Upon formal advice of the grant funding, Council advised the Office for Local Government that December 2018 for completion was not achievable. Council has planned to undertake community consultation until December 2018 and deliver the project (construction and fitout) throughout 2019 completing before December 2019.

In regards to separating the \$1.5 million for a Wiradjuri Tourism Experience between Dubbo and Wellington, Council has explained to the community that the break up is related to the original application meaning \$900,000 is allocated for Dubbo and \$600,000 for Wellington. Given monies were not sought for a Wellington Wiradjuri Tourism Experience related infrastructure project the \$600,000 is considered as an exciting and unexpected opportunity.

It is also important to note that this project should be seen as the beginning of a growing and high profile Aboriginal tourism sector in the Orana region rather than being the one opportunity the Aboriginal communities of the Dubbo Regional Council area shall have to create a tourism experience that resolves around their culture.

Initial meetings have been held with Dubbo Aboriginal Community Working Party and Wellington Local Aboriginal Lands Council. In order that there is a consistent approach to receiving and coordinating community feedback there was agreement that the Local Aboriginal Lands Councils for each centre shall be the conduit through which feedback is gathered.

Early feedback on what the community want to see at a site for Cultural Tourism Experience are:

- A place to preserve and return to 'Country' Aboriginal cultural heritage items such as carved trees
- A place to hold community events/meetings and functions
- A place to show and sell art
- A café that provides income, training opportunities and employment.

Carved trees are the cultural art form of the Wiradjuri and Kamilaroi peoples – nowhere else in Australia were carved trees a significant feature. The local communities have put forward that a keeping place for carved tree cultural artefacts that would form the anchor of a Wiradjuri Tourism Experience. It should be noted that this has the potential to create nationally and internationally significant cultural tourism experience.

From August 2018 through to December 2018, Council shall be embarking on a detailed consultation phase that seeks to understand the broad cross section of Aboriginal community views. This consultation shall include BBQ and activity days on the potential sites, group presentations, information stands and surveys held at key community focal points such as shopping centres and CBD (both Dubbo and Wellington) locations.

### **ORGANISATIONAL VALUES**

Customer Focused: The Wiradjuri Tourism Experience must meet the needs of the local community in regards to providing for cultural needs as well as provide economic opportunities.

Integrity: The consultation proposed is designed to enable all members of the community to provide their input. Subsequent reports from the separate Lands Councils to Dubbo Regional Council shall provide the detail of those submissions.

One Team: Council staff are working together with key Aboriginal stakeholders to develop concepts with community and subsequent business cases for the Wiradjuri Tourism Experiences in both Dubbo and Wellington.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report at this time. It is likely that Council shall be seeking additional grant funds to complete the construction of a Wiradjuri Tourism Experience in both Dubbo and Wellington using the evidence from widespread community consultation and business case development.

### **POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That Council formally confirms its request to the Office of Local Government for an extension to the grant funding completion deadline from December 2018 to December 2019.**
- 2. That the Local Aboriginal Land Councils in Dubbo and Wellington shall be the coordination point for feedback from the broader community.**
- 3. That staff present a report to Council at its December 2018 Ordinary meeting that provides:**
  - a) Details of all feedback from the community provided to the Dubbo and Wellington Local Aboriginal Lands Councils and Dubbo Regional Council.**
  - b) Concept plans for the Dubbo and Wellington Tourism Experience.**
  - c) Business cases for the Dubbo and Wellington Tourism Experience.**

*Murray Wood*

Director Community and Recreation

## BACKGROUND

On 7 August 2017, the Member for Dubbo, the Hon. Troy Grant MP announced \$27 million grants for Dubbo Regional Council LGA. The projects funded under this announcement are:

- \$7.19M Victoria Park re-development
- \$4.5M for Wellington Swimming Pool
- \$1.5M Wiradjuri Tourism Experience for Wellington and Dubbo
- \$1.3M towards the Wellington Caves redevelopment
- \$10M Fitzroy/Cobra St Intersection Upgrade
- \$1.5M Upgrade/relocation of the NSW SES Dubbo Unit
- \$750K Upgrade/Relocation of the NSW VRA Unit
- \$565K Rygate Park stage 2 re-development
- \$245K towards Geurie Multi-Court and Recreation complex upgrade
- \$250K Wellington Old Police Station and Lock-Up

The \$1.5 million was allocated to a Wiradjuri Tourism Experience in both Dubbo and Wellington from a grant application to the Stronger Communities Fund – Major Projects for the Wiradjuri Park (Dubbo) Master Plan implementation for \$900,000.



**Figure 1: Wiradjuri Park Master Plan including scope for a distributor road to the equivalent of Boundary Road or Minore Road.**

In consultation with the Infrastructure and Operations Division of Council, who have been the main contacts with the Roads and Maritime Service, there is not likely to be certainty in regards to the width or extent of the road reserve arising from the River Street bridge proposal until late 2019 when detailed design has been completed. This has meant that the Community and Recreation team has focused initial consultation with the Dubbo Aboriginal Community Working Party on alternative sites for a Cultural Tourism Experience in Dubbo.

## REPORT

Carved trees are the cultural art form unique to the Wiradjuri and Kamilaroi peoples. The art form is a unique feature of cultural expression limited to central western and north western NSW. Community has put forward a keeping place for carved tree cultural artefacts as the anchor of a Wiradjuri Tourism Experience and anecdotally have been working towards this outcomes for approximately twenty years. This will enable the building of cultural understanding within the community as well as the significant potential to create a nationally and internationally significant cultural tourism experience.

Significant numbers of carved trees from Dubbo and Wellington are stored by the Australian Museum and they will be returned only to communities that are unified in their views. This reinforces the need to undertake a widespread community consultation body of work to ensure broad understanding and agreement.



**Figure 2: A carved tree photographed near Dubbo, NSW**

(Photograph by Henry King, downloaded from

<http://nationalunitygovernment.org/content/carved-trees-first-nations-peoples-western-new-south-wales>)



Initial Consultation has also provided further information on what community members envisage at this early stage for their cultural experience centre. The below items are from a Wellington meeting for example:

Building

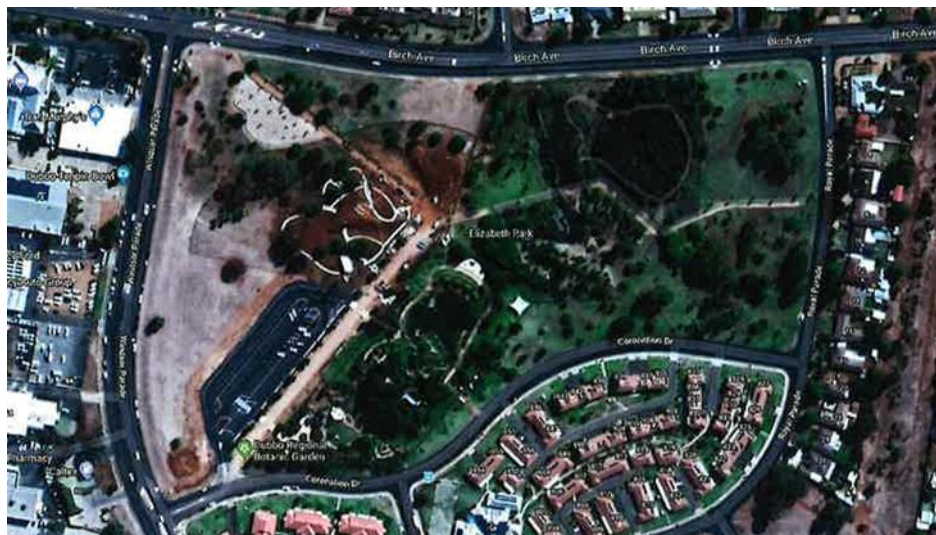
- Kitchen: commercial cafe
- Office: small one full time staff
- Gallery: artefact display, carve tree, rotating/touring exhibits, theatre projection area, high ceiling
- Shop: for sale of art items such as prints
- Meeting room: cater up to 30 people
- Foyer: cater for gatherings, events
- Amenities including disabled and baby change, cleaners
- Building 'green': natural materials, passive solar, greywater/composting

Landscaping

- Café seating view to river
- Borrow aspect north to Cameron Park
- Local plant species
- Sculpture
- Connect to indoor space

**POTENTIAL LOCATION**

Dubbo



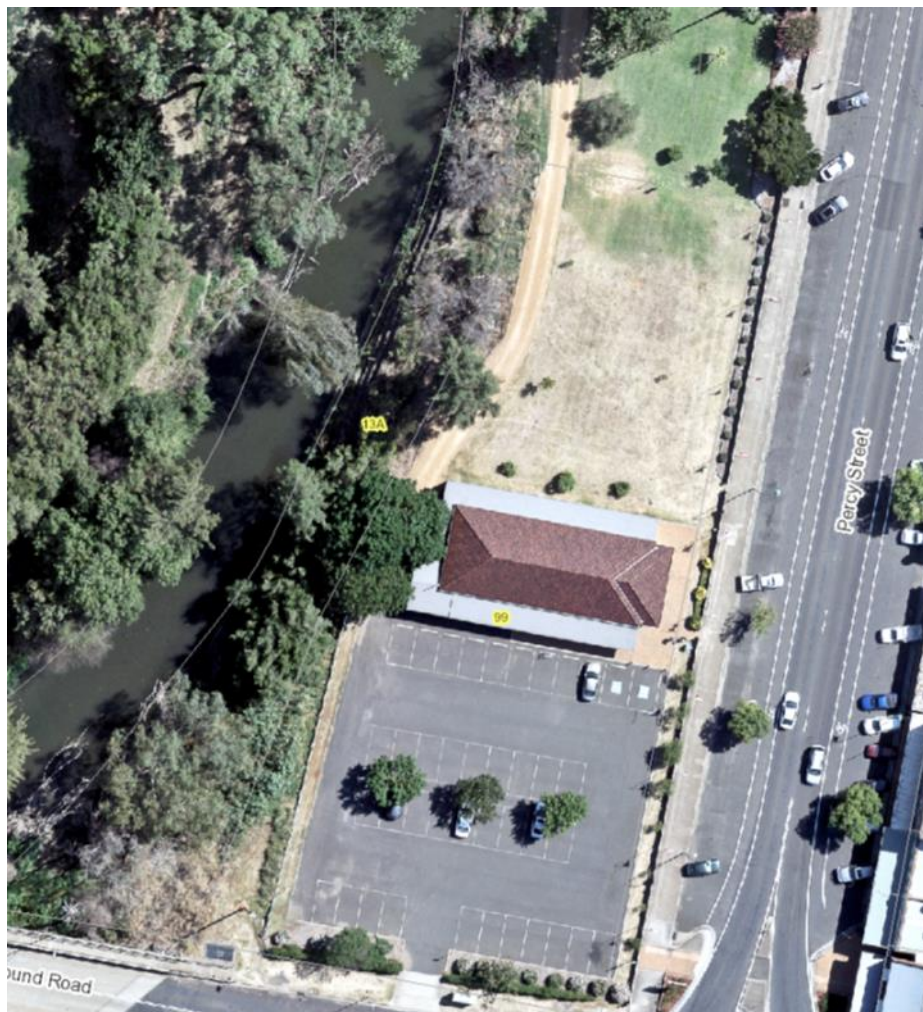
**Figure 3: Elizabeth Park, Dubbo.**

**The dry grass area adjacent to the newly constructed carpark and soon to be completed regional playground is envisaged as an appropriate site**

Elizabeth Park, the site of the Dubbo Regional Botanic Garden arose out of initial discussions held with community representatives that were seeking a high profile location to host carved trees safely. Strengths of this location include:

- Existing tourism focus.
- Utilities present such as power, water and sewer.
- Carpark already constructed that is suited to cars, buses and caravans (cost approx. \$500k).
- Open space in highly visible location.
- No issues with flooding and large priceless cultural assets such as carved trees that cannot be moved quickly.

Wellington



**Figure 4: The Apsley Building – Wellington Library. The potential site would be the ex-bowling greens to the north of the existing building**

As with the potential Dubbo location, adjacent to the Library is very high profile location in the CBD with a river outlook above an area where the banks of the Bell River have been reinforced. Strengths of this location include:

- High profile and visibility to community and tourism.
- Less constrained by heritage issues than other buildings Council owns or are vacant in Wellington. To make an aged building suitable and safe for public use as a publicly accessible tourism facility would be a significant cost.

- The existing carpark exceeds regular use of the Library, meaning the grant funding is not required to be spent on this type of infrastructure.
- Ability to have access via the Library when community members are not available.
- River outlook.

### CONSULTATION

From August 2018 through to December 2018, Council shall be embarking on a detailed consultation phase that seeks to understand the broad cross section of Aboriginal community views.

In regards to undertaking consultation this report shall recommend that to ensure a consistent approach between the Dubbo and Wellington communities, Council recognise the two Local Aboriginal Lands Councils as the conduits for feedback. This is not to allow any particular group to have a dominant view or exclude anyone or any group. Rather to ensure the community has an Aboriginal organisation through which all community members are encouraged to have their say.

Council shall facilitate open days on potential sites using preliminary concepts from architects associated with BBQs and family activities. As described above, the two locations of primary focus are currently Elizabeth Park in Dubbo and adjacent to the Apsley building (the Library) in Wellington (see Figures 3 and 4).

Council community liaison staff have arranged for site visits for Elders to inspect other keeping places in the Orana region and to visit the Australian Museum to inspect the cultural assets such as carved trees they have in storage. This will also give insight into the scale of any building infrastructure.

Council community liaison staff shall also facilitate and host group presentations as the differing bodies and groups require. This is to enable greater levels of feedback across a broad cross section of the Aboriginal community.

There will also be a survey that can be submitted to Local Aboriginal Lands Councils or to Dubbo Regional Council. The survey will be in hard copy or online. Surveys will be available at information stands at places such as the Church Street Rotunda and Orana Mall in Dubbo.

Report to Council December 2018 – adopting concept and business plans for Dubbo and Wellington. This would allow detailed design and construction to be undertaken and completed within the 2019 calendar year.



## SUMMARY

Carved trees are the cultural art form of the Wiradjuri and Kamilaroi peoples – nowhere else in Australia were carved trees a significant feature. The local communities have put forward that a keeping place for carved tree cultural artefacts that would form the anchor of a Wiradjuri Tourism Experience. It should be noted that this has the potential to create nationally and internationally significant cultural tourism experience that has meaning for the local communities as well as visitors and tourists.

### Appendices:

- 1 [↓](#) Letter - Dubbo Local Aboriginal Land Council - Wiradjuri Tourism Experience - Community Consultation - Meeting - 08/05/2018
- 2 [↓](#) Letter Wellington Local Aboriginal Lands Council for Wiradjuri Cultural Tourism Experience
- 3 [↓](#) Action List - Wiradjuri Tourism Experience - Consultation Meeting - 06/07/2018



**Dubbo Local Aboriginal Land Council**

ABN 16 308 384 841

PO Box 1565  
Dubbo NSW 2830

Phone: 02 6884 5276  
Email: [dalc.admin@optusnet.com.au](mailto:dalc.admin@optusnet.com.au)

9 May 2018

Att: Mr Michael McMahon  
Chief Executive officer  
Dubbo Regional Council  
PO BOX 81  
Dubbo NSW 2830

Dear,

Please be advised at the Dubbo Local Aboriginal Land Council Members Meeting Tuesday 8/05/2018 the Wiradjuri Tourism Experience was discussed & agreed as stated in the below motion.

**General Members Meeting- Monday 8th May 2018 at 6:00pm**  
**Community Engagement**  
**Wiradjuri Tourism Experience**

**Motion:** Dubbo Local Aboriginal land Council to be conjugate for all community consultation on behalf of the Dubbo Regional Council for Wiradjuri tourism Experience.

Moved: M. Walker

Second: T. Toomey

All in Favour -Motion Carried

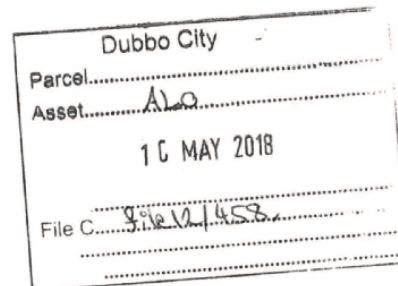
For any further details please contact our office to discuss on 02 6884 5276.

Kind Regards,

A handwritten signature in black ink, appearing to be "Jennayah Knight".

Jennayah Knight  
A/g CEO

Dubbo Local Aboriginal Land Council



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*"Looking after our mob"*



163 Simpson Street (PO Box 90), WELLINGTON NSW 2830  
P 02 6845 2229 | M 0417 239 918 | E wellingtonlalc@yahoo.com

14<sup>th</sup> June 2018

Att: Mr Michael McMahon  
Chief Executive Officer  
Dubbo Regional Council  
PO Box 81  
Dubbo NSW 2830

Dear Mr McMahon,

Please be advised at the Wellington Local Aboriginal Lands Council Members Meeting Monday 16<sup>th</sup> the Wellington Aboriginal Cultural Centre was discussed and agreed as stated in the motion below.

**General Members Meeting 24<sup>th</sup> April 2018**  
**Board Meeting held on Wednesday the 14<sup>th</sup> of June**  
**Community Engagement**  
**Wellington Aboriginal Cultural Centre**

**Motion:** Wellington Local Aboriginal Lands Council to conjugate for all community consultation on behalf of the Dubbo Regional Council for the development of the Wellington Aboriginal Cultural Centre.

**Moved:** Adam Peckham  
**Second:** Ursula semmler  
**All in Favour – Motion carried**

For any further information please contact our Office **02 6845 2229**

Kind Regards

A handwritten signature in black ink that reads "Jody Chester". The signature is written in a cursive style.

Jody Chester  
Director

Wellington Local Aboriginal Land Council

## WIRADJURI TOURISM EXPERIENCE ACTION LIST – 6 July 2018

ITEM NO.	ORIGINAL ACTION DATE	ACTION	ACTION DATE	TASK / OUTCOME	TARGET DATE	OUTSTANDING/ COMPLETED
	30.05.2018	Dubbo Local Aboriginal Land Council – letter received.	30.05.2018	Received, to be tabled at the Council meeting on 23/7/18.	01.06.2018	Completed
		Wellington Aboriginal Land Council –letter required.	30.05.2018	Received, to be tabled at the Council meeting on 23/7/18.	08.06.2018	Completed
		Meeting – Wellington Aboriginal Land Council Chair & Mike Nolan	30.05.2018	Meeting held and letter supplied.	08.06.2018	Completed
		Wiradjuri Tourism Experience – Report	30.05.2018	Murray to prepare for June Council meeting 23/7/18.	23.07.2018	Outstanding
		Signing of MOU	30.05.2018	To be completed following Council meeting on 23/7/18.	23.07.2018	Outstanding
		Councillor Workshop 02/07		Murray presented 2/7/18.	02.07.2018	Completed
		Visual concept plan	30.05.2018	Artist impression to be made available showing – location, shop, meeting area, function area, outdoor entertainment area.	12.06.2018	Architect provided draft 6/7/18.
		Submission forms	30.05.2018	Lionel to set up survey monkey/ paper copy to be made available also.	17.07.2018	
		Tour Narromine (morning tea) and Trangie (lunch)	30.05.2018	Mary and Grace conducting tour to Narromine and Trangie Healing Places with Elders on 9/7/18.	09.07.18	
		Venues and stakeholder locations	30.05.2018	Lionel to walk and talk to individual stakeholders.	Completed Aug 2018	

## WIRADJURI TOURISM EXPERIENCE ACTION LIST – 6 July 2018

ITEM NO.	ORIGINAL ACTION DATE	ACTION	ACTION DATE	TASK / OUTCOME	TARGET DATE	OUTSTANDING/ COMPLETED
		Hold open days on site in Dubbo and Wellington to undertake community consultation.	08.08.2018	Open day to be held at Dubbo site on 7/8/18. Grace/Lionel to organise Dubbo. Wellington site to be held on 8/8/18. Drafts for both sites to be provided on 19/7/18.	19.07.18 (drafts) 08.08.18	
		Conduct Australian Museum visits with Elders.	30.07.2018	Grace and Mary/Christy to organise visit by 30.07.18.	30.07.18	
		Group presentations to Dubbo Local Aboriginal Lands Council and Wellington Local Aboriginal Lands Council.	30.07.2018	Grace and Mary/Christy to organise and conduct consultation presentations by 30.07.18.	30.07.18	



**REPORT: Acquisition of Land for Road Widening - Portion (W) annexed from Lot 118 DP 756920 - 8089 Burrendong Way, Dripstone.**

**AUTHOR:** Property Development Officer  
**REPORT DATE:** 3 July 2018  
**TRIM REFERENCE:** ID18/1112

**EXECUTIVE SUMMARY**

Council's reconstruction of the Dripstone Bridge and realignment of Burrendong Way was completed in January 2017.

The project required the annexation of two (2) small portions of private land from adjoining owners to the west of the bridge. These portions have been fenced into the road reserve as part of the construction works. Council's payment of compensation for the land is outstanding.

At the outset of the project it was agreed with the owners that compensation would be made by agreement rather than by compulsory acquisition. To fulfil these agreements, Council has undertaken property valuations of the portions to be acquired, and made offers of compensation to the owners in alignment with those valuation reports.

Mrs Roberta C Playford, the owner of Lot 118 DP 756920, 8089 Burrendong Way, accepted Council's offer of \$11,652.00 for her land portion, on Thursday 28 June 2018.

The remaining owners, Mr Murray & Ms Hyde of Lot 185 DP 756920, 8149 Burrendong Way, have not been able to be contacted to discuss their offer for their land portion. A separate report will be made to Council once contact is made with them and a subsequent agreement is reached.

**ORGANISATIONAL VALUES**

Customer Focused: This report is provided to council for approval to ensure that appropriate compensation is provided to one (1) affected land owner as soon as possible.

Integrity: The offer of compensation was made to Mrs Playford in accordance with a Property Valuation Report, dated 4 June 2018, prepared by Preston Rowe Patterson.

One Team: Council's Property Assets Group has directly supported Council's Infrastructure and Operations Directorate in securing the agreement of compensation with Mrs Playford.

**FINANCIAL IMPLICATIONS**

Compensation of \$11,652.00 shall be paid to Mrs Roberta C Playford for the land to be acquired by Council and included in the Burrendong Way road reserve.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

1. That Council pay compensation of \$11,652.00 to Mrs Roberta C Playford, owner of Lot 118 DP 756920, for the acquisition of portion (W) of 917.6m<sup>2</sup> for road widening of Burrendong Way.
2. That the compensation be paid to Mrs Playford on exchange of contracts for the land, noting that portion (W) has already been fenced into the road reserve.
3. That the Chief Executive Officer be authorised to complete any documentation under delegated "Power of Attorney".

*Alex Noad*  
Property Development Officer



## BACKGROUND

In 2016 Council commenced the reconstruction of the Dripstone Bridge and the approaches of Burrendong Way to achieve an improved heavy vehicle carrying capacity and road alignment. Construction was completed in January 2017.

The project required the annexation of two (2) small portions of private land from adjoining owners to the west of the bridge. These portions have been fenced into the road reserve as part of the construction works. However, Council's payment of compensation for the land is outstanding.

This report relates to one of the two adjoining owners being compensated for their land being Mrs Roberta C Playford, owner of Lot 118 DP 756920, 8089 Burrendong Way, Dripstone.

## REPORT

The Dripstone Bridge is located approximately 16km to the south east of Wellington, in the locality of Dripstone. Its reconstruction was finalised in January 2017 as shown in **Figure 1** below:

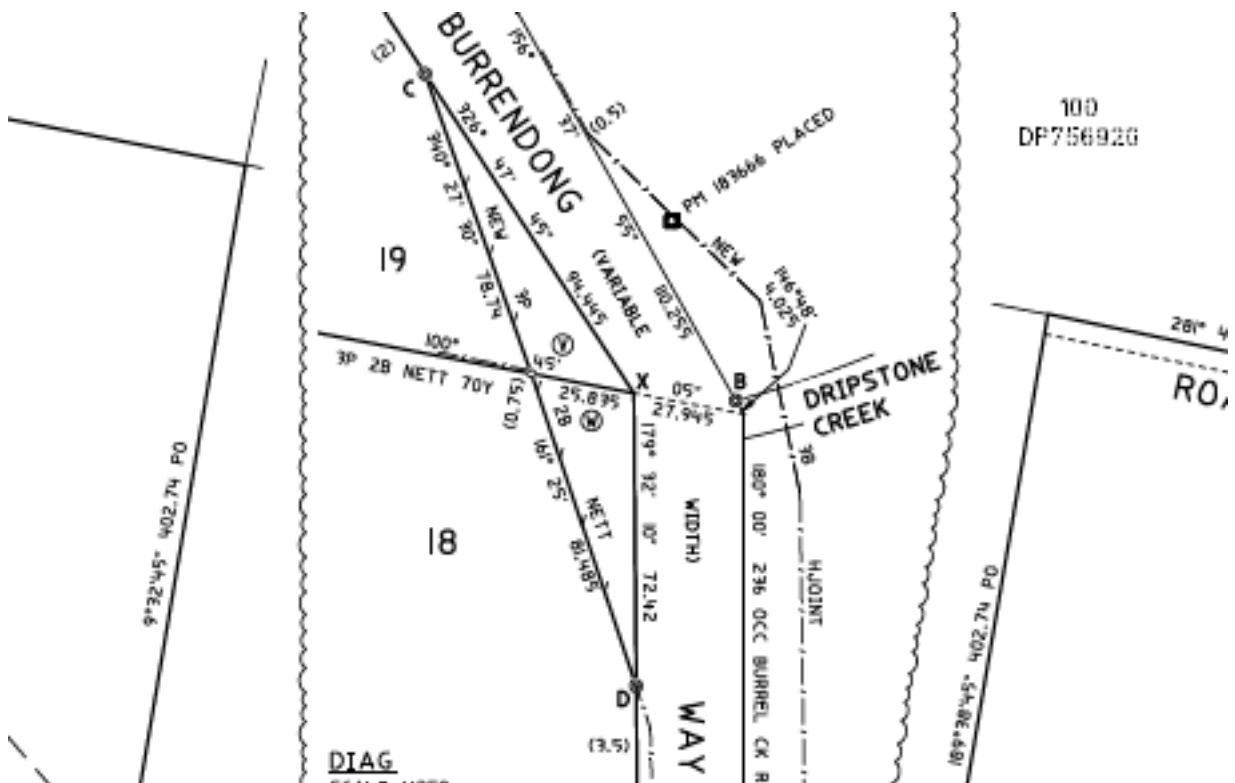


**Figure 1:** Dripstone Bridge as reconstructed, and Burrendong Way as realigned.

The bridge reconstruction required the annexation of two (2) small portions of private land from adjoining properties to the west of the bridge, as follows:

- 878.9m<sup>2</sup> of land (V) from Lot 185 DP 756920, 8149 Burrendong Way owned by Mr James Murray & Ms Dallas E Hyde; and,
- 917.6m<sup>2</sup> of land (W) from lot 118 DP 756920, 8089 Burrendong Way owned by Mrs Roberta C Playford.

The areas, (V) of 878.9m<sup>2</sup> and (W) of 917.6m<sup>2</sup>, are identified in the associated Road Widening Subdivision Plan, prepared by Geolyse dated 11 March 2017, as shown in **Figures 2 & 3** below:



**Figure 2:** Detail of Road Widening Subdivision Plan identifying portions (V) & (W) to be acquired from adjoining land 8089 & 8149 Burrendong Way, Dripstone.

The road widening subdivision plan is to be registered with NSW Land and Property Information Services (LPI) as soon as possible following the agreement of compensation with both affected owners.

At the outset of the project in 2016, Council approached the owners of the affected land with a view to paying compensation for the land by agreement, rather than by compulsory acquisition involving the NSW Valuer General. Mr Murray and Ms Hyde provided verbal consent, and Mrs Playford written consent to this occurring at this time.

To fulfil these agreements, Council has recently had property valuation reports undertaken for both portions of land. The valuation reports, provided by Preston Rowe Paterson dated 4 June 2018, identified that compensation for the market value of the land and disturbance costs, should be paid to the owners as follows:

- \$10,615.00 for portion (V) of 878.2m<sup>2</sup>, annexed from Lot 185 DP 756920, to Mr Murray & Ms Hyde; and,
- \$11,652.00 for portion (W) of 917.6m<sup>2</sup>, annexed from Lot 118 DP 756920, to Mrs Playford.

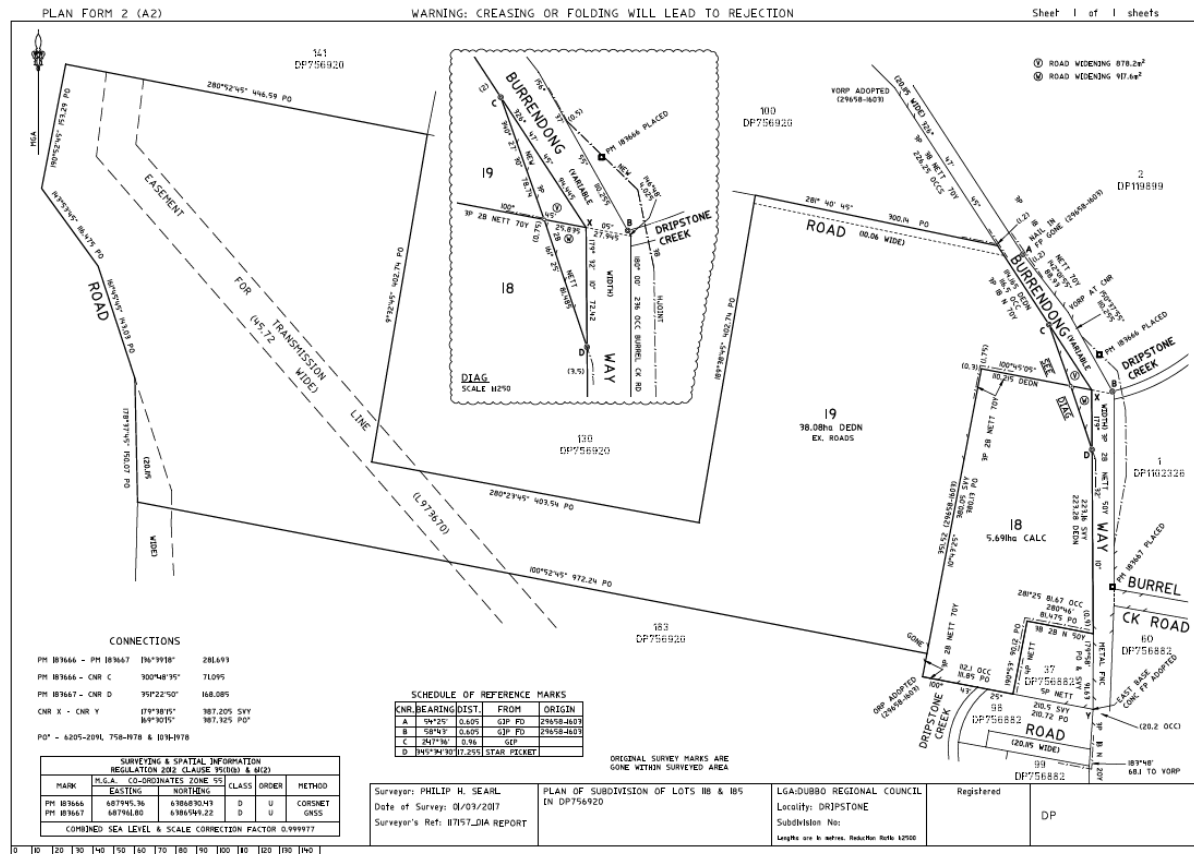


Figure 3: Road Widening Subdivision Plan to be registered with NSW Land & Property Information Services (LPI).

Upon receiving the valuation reports, attempts have been made by Council to contact the owners and offer them compensation in accordance with the valuation reports. To date however, contact has only been able to be made with Mrs Playford.

On Thursday 28 June 2018, Mrs Playford consented in writing to Council's offer of compensation of \$11,652.00 for portion (W) of her land as per the valuation report.

Given an agreement for compensation has now been reached with Mrs Playford, it is necessary for Council to resolve to support the agreement.

**SUMMARY**

Council's reconstruction of the Dripstone Bridge and realignment of Burrendong Way required the annexation of two (2) small portions of private land from adjoining owners to the west of the bridge. These portions have been fenced into the road reserve as part of the construction works. However, council's payment of compensation for the land is outstanding.

Given the time taken since the commencement of these works, it is deemed appropriate that the payment for land acquisition is paid by Council to Mrs Playford upon contract exchange rather than waiting for contract settlement which is expected to be some months yet. There is very little risk to Council in this approach given that the land acquired physically forms part of the road widening, and there would be a signed contract between Council and Mr Playford relating to this land acquisition.





DUBBO REGIONAL  
COUNCIL

## REPORT: Stronger Communities Fund - Community Grants Program (Round 3)

**AUTHOR:** Economic Project and Grants Officer  
**REPORT DATE:** 10 July 2018  
**TRIM REFERENCE:** ID18/1137

### EXECUTIVE SUMMARY

The Stronger Communities Fund (SCF) was established by the NSW Government in 2015/2016 to provide new councils formed through the Fit for the Future reform program with funding to kick start the delivery of projects that improve community infrastructure and services.

Through the amalgamation of the former Dubbo City Council and Wellington Council, Dubbo Regional Council received \$10 million in SCF funding. Council is delivering the SCF through two programs – Major Projects Program (\$9 million) and the Community Grants Program (\$1 million).

The Community Grants Program is a three-year competitive grants program for eligible local incorporated, not-for-profit community groups to deliver projects that build more vibrant, sustainable and inclusive local communities. The initial funding split over three years was \$350,000 in 2016/2017 (Round 1), \$350,000 in 2017/2018 (Round 2) and \$300,000 in 2018/2019 (Round 3).

For Round 3, a total of \$317,500 was available. This included the initial allocation of \$300,000 plus unallocated funds from Rounds 1 and 2 (totalling \$17,500). This funding did not include any accumulated interest on the total Stronger Communities Fund package (\$10 million).

Applications were invited from 5 April 2018 to 25 May 2018. Seventy eight (78) funding applications were received requesting a total of \$1.7 million in funding with a total project value of \$2.7 million.

The Grants Assessment Panel met on 9 July 2018 to consider all applications and have now made a recommendation to Council of projects to be supported.

### ORGANISATIONAL VALUES

Customer Focused: The SCF Community Grants Program Round 3 was advertised extensively in the period 5 April 2018 to 25 May 2018 through print and social media.

Integrity: Applications have been assessed by an independent panel and certified by an independent probity advisor (Luka Group).

One Team: Council staff provided technical input into applications which assisted the Grants Assessment Panel in their consideration of applications.

**FINANCIAL IMPLICATIONS**

The \$1 million Community Grants Program funding has been split over three years - \$350,000 in 2016/2017 (Round 1), \$350,000 in 2017/2018 (Round 2) and \$300,000 in 2018/2019 (Round 3).

Delivery of the Program to date has seen:

- 2016/2017 - \$349,580 awarded for 23 projects (Round 1).
- 2017/2018 - \$332,940 awarded for 24 projects (Round 2).

In 2018/2019, \$317,500 is available for Round 3. This comprises the initial allocation of \$300,000 plus unallocated funds from Rounds 1 and 2 (totalling \$17,500).

**POLICY IMPLICATIONS**

All applications approved for funding comply with the guidelines and funding criteria set by the NSW Government.

**RECOMMENDATION**

That the \$317,500 available in 2018-19 is allocated to the following 23 community organisations:

<b>Applicant Organisation</b>	<b>Grant Funding</b>
<b>1st Dubbo Scout Group</b>	<b>\$12,473</b>
<b>Brotherhood of the Good Shepherd Council</b>	<b>\$8,248</b>
<b>Central West Barrel Horse Club</b>	<b>\$14,784</b>
<b>Dubbo Aero Club</b>	<b>\$1,000</b>
<b>Dubbo Cycle Club</b>	<b>\$15,000</b>
<b>Dubbo Dirt Bike Club Inc.</b>	<b>\$6,846</b>
<b>Dubbo Golf Club</b>	<b>\$14,389</b>
<b>Dubbo Hockey Association Inc.</b>	<b>\$4,802</b>
<b>Dubbo Horse and Pony Club</b>	<b>\$6,999</b>
<b>Dubbo Netball Association</b>	<b>\$8,961</b>
<b>Dubbo Triathlon Club</b>	<b>\$11,134</b>
<b>Mumbil District Progress Association Inc.</b>	<b>\$4,800</b>
<b>OEC Community Garden (Auspiced by Orana Education &amp; Training Co-operative Ltd)</b>	<b>\$800</b>
<b>Royal Flying Doctor Service South Eastern Section</b>	<b>\$37,397</b>
<b>Stuart Town Advancement Association Inc.</b>	<b>\$50,000</b>
<b>Talbragar Country Women's Association</b>	<b>\$5,387</b>
<b>Wellington and District Cricket Association</b>	<b>\$15,000</b>
<b>Wellington Bowling Club Ltd</b>	<b>\$41,450</b>
<b>Wellington Connect Inc. (Wellington Men's Shed)</b>	<b>\$23,705</b>
<b>Wellington Information and Neighbourhood Services Inc. (WINS)</b>	<b>\$17,125</b>
<b>Wellington Senior Citizens Club Inc.</b>	<b>\$7,600</b>
<b>Wellington Warriors Football Club Inc.</b>	<b>\$5,200</b>
<b>Wongarbon Country Women's Association</b>	<b>\$4,400</b>

*Matthew Taylor*

Economic Project and Grants Officer



## BACKGROUND

In 2015/2016, Dubbo Regional Council received \$10 million in funding from the NSW Government under the Stronger Communities Fund (SCF), as part of the amalgamation of the former Dubbo and Wellington councils. Council is delivering the SCF through two programs – Major Projects Program (\$9 million) and the Community Grants Program (\$1 million).

The Community Grants Program funding has been split over three years - \$350,000 in 2016/2017 (Round 1), \$350,000 in 2017/2018 (Round 2) and \$300,000 in 2018/2019 (Round 3).

Delivery of the Program to date has seen:

- 2016/2017 - \$349,580 awarded for 23 projects (Round 1).
- 2017/2018 - \$332,940 awarded for 24 projects (Round 2).

In 2018/2019, \$317,500 is available for Round 3. This comprises the initial allocation of \$300,000 plus unallocated funds from Rounds 1 and 2 (totalling \$17,500).

## REPORT

Applications for funding under the Stronger Communities Fund – Community Grants Program were invited from 5 April 2018 to 25 May 2018.

Dubbo Regional Council received seventy eight (78) applications from incorporated, not-for-profit community groups throughout the Dubbo Regional LGA. A total of \$1.7 million was requested by applicants with a total project value of \$2.7 million.

Funding is for projects that build more vibrant, sustainable and inclusive local communities. Types of projects can include: upgrading club facilities, funding of sporting equipment, and providing tools and equipment to improve delivery of community services. The maximum grant available is \$50,000 per project.

To be successful for funding, community projects had to meet the following merit criteria:

- Deliver social, cultural, economic or environmental benefits to local communities.
- Address an identified community priority.
- Be well defined with a clear budget.
- Demonstrate that ongoing/recurrent project costs can be met by the applicant.
- The applicant must demonstrate the capacity to manage funds and deliver the project.

A Grants Assessment Panel was formed and met on 9 July 2018 to assess all applications and provide their recommendation to Council as to the projects that should be successful in receiving funding. The Panel comprised:

- Clr Ben Shields - Mayor Dubbo Region (Assessment Panel Member)
- Troy Grant MP - Member for Dubbo, NSW Minister for Police and Minister for Emergency Services (Assessment Panel Member)

- Mick McKenna - Luka Group (Probity Advisor).
- Ashley Albury - NSW Department of Premier and Cabinet (Assessment Panel Member)
- Darren Borger - Assisting the Member for Dubbo (Assessment Panel Member)

Dubbo Regional Council's Economic Projects and Grants Officer (Matthew Taylor) and Business Services Officer (Lee Bayliss) facilitated and recorded the outcomes of the meeting.

Mr Michael McKenna of the Luka Group was the Panel's Probity Advisor. The Luka Group has previously provided probity services to the Assessment Panel in rounds 1 and 2 of the Program.

Attached to this report as **Appendix 1** is the Luka Group's letter to Dubbo Regional Council confirming that the panel meeting was conducted in a professional manner and the deliberations and assessment process was conducted without bias or prejudice. Each successful application met the Community Grants Program criteria as per the Stronger Communities Fund Guidelines.

Following consideration, the Assessment Panel made the following recommendations on the applications for funding, which are now submitted to Council for determination:

Applicant Organisation	Project Name	Est. Project Cost	Grant Funding Supported
1st Dubbo Scout Group	Welchman Street Hall Storage Shed, Dubbo	\$12,473	\$12,473
Brotherhood of the Good Shepherd Council	Preservation of the Brotherhood of the Good Shepherd Historical Documentation, Parish of Holy Trinity Dubbo Heritage Centre	\$17,639	\$8,248
Central West Barrel Horse Club	Geurie Rodeo Arena Upgrade, Geurie Racecourse and Sports Ground	\$22,352	\$14,784
Dubbo Aero Club	Dubbo Aero Club - Repaint Club Building, Dubbo City Regional Airport	\$3,500	\$1,000
Dubbo Cycle Club	Timing Equipment for the Dubbo Cycle Club Road Racing Program, Dubbo	\$15,000	\$15,000
Dubbo Dirt Bike Club Inc.	Morris Park Dirt Bike Facility, Dubbo - New Refrigerator and Air Conditioner	\$7,471	\$6,846
Dubbo Golf Club	Dubbo Golf Club Caterers Kitchen Upgrade, Dubbo	\$27,789	\$14,389
Dubbo Hockey Association Inc.	Installation of a PA system and covered BBQ cooking area at Pioneer Park, Dubbo	\$5,802	\$4,802
Dubbo Horse and Pony Club	Dubbo Horse and Pony Club - Purchase of Zero Turn Mower, Brocklehurst	\$6,999	\$6,999
Dubbo Netball Association	Dubbo Netball - New Tents and Training Equipment for Nita McGrath Netball Courts, Dubbo	\$8,961	\$8,961
Dubbo Triathlon Club	Dubbo Triathlon Club Signage Upgrade and Training	\$12,334	\$11,134
Mumbil District Progress Association Inc.	Mumbil Community Hall Air Conditioner, Mumbil	\$4,800	\$4,800

OEC Community Garden  (Auspiced by Orana Education & Training Co-operative Ltd)	OEC Community Garden BBQ, Dubbo	\$1,100	\$800
Royal Flying Doctor Service South Eastern Section	Flying Doctor - Ground Support Equipment Project, Dubbo	\$37,397	\$37,397
Stuart Town Advancement Association Inc.	Walking Trail and Beautification, Stuart Town	\$71,825	\$50,000
Talbragar Country Women's Association*	CWA Hall Upgrade, Dubbo (decking & hand railing, air conditioner cage, flooring)	\$5,387	\$5,387
Wellington and District Cricket Association	Rygate Park Cricket Nets Upgrade, Wellington	\$26,158	\$15,000
Wellington Bowling Club Ltd	Wellington Bowling Club Outdoor Viewing and Entertainment Deck, Wellington	\$44,450	\$41,450
Wellington Connect Inc. (Wellington Men's Shed)	Wellington Men's Shed - Concrete Driveway and Storm Water Disposal, Wellington	\$24,705	\$23,705
Wellington Information and Neighbourhood Services Inc. (WINS)	Background Blitz - Landscaping around the WINS centre, Wellington	\$21,000	\$17,125
Wellington Senior Citizens Club Inc.	New Dishwasher at the Wellington Senior Citizens Club, Wellington	\$7,600	\$7,600
Wellington Warriors Football Club Inc.	Wellington Warriors FC - Small Sporting Equipment Update, Pioneer Oval, Wellington	\$5,200	\$5,200
Wongarbon Country Women's Association	Wongarbon Country Women's Association Branch Landscaping Project, Wongarbon	\$8,000	\$4,400
<b>TOTAL</b>		<b>\$397,942</b>	<b>\$317,500</b>

Appendices:

- 1 [↓](#) 09/07/2018 - Letter from the Luka Group to DRC - Stronger Communities Fund: Community Grants Assessment Panel - Probity Officer Report



*Luka Group* & its associated  
businesses can help you with:  
Accounting & Tax  
Business Advice  
Auditing  
Financial Advice  
Life & Income Insurance  
Mortgage Broking & Finance

9<sup>th</sup> July 2018

Dubbo Regional Council  
PO Box 81  
Dubbo NSW 2830

Dear Sir,

**RE: STRONGER COMMUNITIES FUND**

I was appointed by Dubbo Regional Council as the Probity Officer for Dubbo Regional Council's Stronger Communities Fund Panel. This Panel met today and I was in attendance for the duration of the meeting.

The meeting was conducted in a professional manner and the deliberations and assessment process was conducted without any bias or prejudice. The panel referred to and assessed each application, before final agreement and acceptance/non-acceptance of the grant proposals.

Each successful application met the Community Grants Program criteria as per the Stronger Communities Fund Guidelines.

Please do not hesitate to contact me with any queries.

Regards

MICHAEL MCKENNA  
MANAGING PARTNER



Liability limited by a scheme approved under  
Professional Standards Legislation

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