



# AGENDA

## ORDINARY COUNCIL MEETING

### 21 JANUARY 2025

MEMBERSHIP: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, K Richardson, A Ryan, P Toynton, P Wells and M Wright.

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

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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 past and present of the Wiradjuri Nation and extend that respect to other Aboriginal peoples from other nations who are present".

Page

**CCL25/1 LEAVE OF ABSENCE (ID24/2406)**

**CCL25/2 CONFLICTS OF INTEREST (ID24/2407)**

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

**CCL25/3 PUBLIC FORUM (ID24/2408)**

**CCL25/4 CONFIRMATION OF MINUTES - EXTRAORDINARY COUNCIL MEETING - 4 DECEMBER 2024 AND ORDINARY COUNCIL MEETING - 10 DECEMBER 2024 (ID24/2409)**

Confirmation of the minutes of the proceedings of the Dubbo Regional Council Ordinary Council Meeting held on 21 January 2025.

5

**NOTICES OF MOTION:**

- CCL25/5 REVIEW OF ALL SISTER CITY RELATIONSHIPS (ID25/13)** 28  
Council had before it a Notice of Motion dated 10 January 2025 from Councillor M Dickerson regarding the Review of all Sister City Relationships.

**REPORTS FROM STAFF:**

- CCL25/6 D22-528 - CONCRETE WORKS - LOT 2101 DP1227782 AND LOT 211 DP1220433, 19L-20L SHERATON ROAD, DUBBO APPLICANT: REGIONAL HARDROCK PTY LTD OWNER: REGIONAL HARDROCK PTY LTD (ID24/2081)** 31  
The Council had before it the report dated 7 November 2024 from the Team Leader Growth Planning Projects regarding D22-528 - Concrete Works - Lot 2101 DP1227782 and Lot 211 DP1220433, 19L-20L Sheraton Road, Dubbo. Applicant: Regional Hardrock Pty Ltd. Owner: Regional Hardrock Pty Ltd.

- CCL25/7 DRAFT PLANNING AGREEMENT VPA24-001 - CONCRETE WORKS - 19L AND 20L SHERATON ROAD DUBBO (ID24/2166)** 72  
The Council had before it the report dated 6 January 2025 from the Team Leader Growth Planning Projects regarding Draft Planning Agreement VPA24-001 - Concrete Works - 19L and 20L Sheraton Road Dubbo.

- CCL25/8 COMMENTS AND MATTERS OF URGENCY (ID24/2410)**

**CONFIDENTIAL**

- CCL25/9 QUOTATION FOR THE SUPPLY AND DELIVERY OF ONE 15,000 KG FRONT END LOADER (ID25/7)**  
The Council had before it the report dated 7 January 2025 from the Manager Fleet and Depot Services regarding Quotation for the Supply and Delivery of One 15,000 kg Front End Loader.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).*

**CCL25/10 QUOTATION FOR THE SUPPLY AND DELIVERY OF ONE PRIME MOVER TRUCK (ID25/8)**

The Council had before it the report dated 8 January 2025 from the Manager Fleet and Depot Services regarding Quotation for the Supply and Delivery of One Prime Mover Truck.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).*

**CCL25/11 STATE HIGHWAYS HEAVY PATCHING PROGRAM - QUOTATION RECOMMENDATION (ID24/2076)**

The Council had before it the report dated 7 November 2024 from the Project Engineer regarding State Highways Heavy Patching Program - Quotation Recommendation.

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

**CCL25/12 ENGAGEMENT FOR CONCEPT DESIGN, INVESTIGATION WORKS AND DETAILED DESIGN FOR THE UPGRADE OF KESWICK SEWER PUMP STATION AND WHEELERS LANE TOWN WATER SUPPLY BORE IN DUBBO (ID24/2448)**

The Council had before it the report dated 6 January 2025 from the Director Infrastructure regarding Engagement for Concept Design, Investigation Works and Detailed Design for the Upgrade of Keswick Sewer Pump Station and Wheelers Lane Town Water Supply Bore in Dubbo.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).*

**CCL25/13 DUBBO ADVANCED WASTEWATER TREATMENT PLANT - REVIEW OF TENDER SUBMISSIONS (ID25/20)**

The Council had before it the report dated 12 January 2025 from the Director Infrastructure regarding Dubbo Advanced Wastewater Treatment Plant - Review of Tender Submissions.

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



DUBBO REGIONAL  
COUNCIL

## Confirmation of Minutes - Extraordinary Council Meeting - 4 December 2024 and Ordinary Council Meeting - 10 December 2024

Confirmation of the minutes of the proceedings of the Extraordinary Council meeting held on 4 December 2024 and the Ordinary Council meeting held on 10 December 2024.

### RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Extraordinary Council meeting held on 4 December and at the Ordinary Council meeting held on 10 December (as attached) be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

### APPENDICES:

- 1 [↓](#) Minutes - Ordinary Council Meeting - 04/12/2024 - Special
- 2 [↓](#) Minutes - Ordinary Council Meeting - 10/12/2024



## REPORT EXTRAORDINARY COUNCIL MEETING 4 DECEMBER 2024

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**PRESENT:** Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton, and M Wright.

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Director Organisational Performance, the Manager Corporate Governance, the Executive Assistant CEO, the Governance Officer, the Director Strategy, Partnerships and Engagement, the Communications Partner, the Marketing Services Partner, the Director Development and Environment, the Director Infrastructure and the Director Community, Culture and Places.

Mayor J Black assumed the Chair of the meeting.

The proceedings of the meeting commenced at 11:06 AM at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor M Wright.

**CCL24/323 LEAVE OF ABSENCE (ID24/2228)**

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

Moved by Councillor P Toynton and seconded by Councillor M Wright.

**MOTION**

**That such request for Leave of Absence be accepted and Councillors K Richardson and P Wells be granted leave of absence from this meeting.**

**Councillor L Butler, S Chowdhury, M Dickerson and A Ryan attended via audio visual link.**

**CARRIED**

**For:** Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton, and M Wright.

**Against:** Nil

EXTRAORDINARY COUNCIL MEETING - 4 DECEMBER 2024  
REPORT

**CCL24/324 CONFLICTS OF INTEREST (ID24/2229)**

There were no conflicts of interest declared.

**CCL24/324a MOVE TO EXTEND PUBLIC FORUM**

Council received a motion from Councillor J Cowley to extend Public Forum.

Moved by Councillor J Cowley and seconded by Councillor P Toynton.

**MOTION**

1. That the number of speakers be increased to a maximum of 20 people speaking about the motion.
2. That the allocated time for Public Forum, as stated in 4.3 in the code of meeting Practice, be extended to allow 5 minutes per speaker.

**CARRIED**

**For:** Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, P Toynton, and M Wright.

**Against:** Councillor A Ryan.

*(A vote was not received. In accordance with clause 11.4 of the Code of Meeting Practice this is recorded as a negative vote.)*

**CCL24/325 PUBLIC FORUM (ID24/2230)**

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

Item CCL24/326

- Mr Mark Banasiak, MLC (Confero)
- Adam Willner, Vice President – Dubbo Regional Sports Council
- David Kirby, General Manager – Brewarrina Shire Council (Confero)
- Councillor Ewen Jones, Mayor - Narromine Shire Council (Confero)
- Karen Weekes – Dubbo Netball Association
- Jeremy Dickson - Dubbo Basketball Association
- Councillor Rick Firman OAM, Mayor – Temora Shire Council (Confero)
- Kristina Wendt, President – Gilgandra Basketball Association (Confero)
- Glen Neill, Mayor – Bogan Shire Council (Confero)
- Lachlan Ford, Mayor - Bourke Shire Council (Confero)
- Shane Riley – Three Rivers Assembly
- Frank Doolan
- Tatum Moore
- Lionel Wood
- Barry Broe, Director Community, Planning, Development and Environment, Representative for the Mayor – Coonamble Shire Council (Confero)
- Dugald Saunders, State Member for Dubbo

EXTRAORDINARY COUNCIL MEETING - 4 DECEMBER 2024  
REPORT

**MAYORAL MINUTE:**

**CCL24/326 SPORTS HUB UPDATE: VARIATION PROPOSAL - CHANGE OF LOCATION  
(ID24/2242)**

The Council had before it the Mayoral Minute regarding Sports Hub Update: Variation Proposal - Change of Location.

Moved by Mayor J Black and seconded by Councillor P Toynton.

**MOTION**

1. That Council call on the Minister for Regional NSW and Western NSW to approve, as a matter of urgency, the variation for the Dubbo Indoor Multi-Sport Facility as proposed by PCYC NSW and supported by the Office of Sport.
2. That Council endorses the proposed location being Sheraton Road, amongst a multi-school education precinct and acknowledges that the proposed location will ensure the deliverables of the grant funding are realised which include well proven diversionary programs for youth at risk of being involved with the criminal justice system.
3. That it be noted that the variation put forward by PCYC NSW is simply a change of location request and is clearly not a new project requiring a new application process.
4. That Council invite the CEO of PCYC NSW to Dubbo to present the full detail of the proposed variation to Council.
5. That Council invite stakeholders to Dubbo to explain and reinforce the benefits of the project including the regional and community outcomes with the inclusion of, but not be limited to, the CEO of Basketball NSW, Gymnastics NSW, Netball NSW, the CEO of the Office of Sport and the NSW Police Youth Command.
6. That it be noted that the expansion of capabilities in PCYCs in regional communities has shown to be an effective means of proactively addressing the causes of youth crime.
7. That Council invite the Hon. Tara Moriarty MLC, Minister for Agriculture, Regional NSW and Western NSW, to visit Dubbo to meet with Council and associated stakeholders in order to gain an insight into the community importance of the Dubbo Indoor Multi-Sport Facility – Stage 1 (Dubbo Sports Hub) as part of deliberations.

**CARRIED**

**For:** Councillors J Black, L Butler, S Chowdhury, J Cowley, R Ivey, A Ryan, P Toynton, and M Wright.

**Against:** Councillor M Dickerson.

Moved by Councillor M Dickerson and seconded by Councillor R Ivey

**AMENDMENT**

That Council calls on the State Government to continue to deliver on its commitment to the Dubbo Indoor Multi-Sport Facility project.



EXTRAORDINARY COUNCIL MEETING - 4 DECEMBER 2024  
REPORT

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The amendment on being put to the meeting was lost.

LOST

**For:** Councillors M Dickerson and R Ivey.

**Against:** Councillors J Black, L Butler, S Chowdhury, J Cowley, A Ryan, P Toynton, and M Wright.

The meeting closed at 12:46PM.

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CHAIRPERSON



**REPORT  
ORDINARY COUNCIL MEETING  
10 DECEMBER 2024**

**DUBBO REGIONAL  
COUNCIL**

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**PRESENT:** Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Director Organisational Performance, the Manager Corporate Governance, the Governance Team Leader, the Governance Officers, the Manager Building Assets, the Manager Dubbo Regional Livestock Markets, the Director Strategy, Partnerships and Engagement, the IT Infrastructure Specialist, the IT Support Officers, the Communications Services Team Leader, the Communications Leader, the Director Development and Environment, the Director Infrastructure, the Director Community, Culture and Places, the Manager Regional Events, the Manager Recreation and Open Space and the Cultural Development Coordinator.

Councillor J Black assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5:30 PM at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance delivered to the Council in its deliberations and activities delivered by Councillor L Butler. The Acknowledgement of Country was also read by Councillor A Ryan.

**CCL24/327 LEAVE OF ABSENCE (ID24/2231)**

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

Moved by Councillor P Toynton and seconded by Councillor S Chowdhury.

**MOTION**

**That such request for Leave of Absence be accepted and Councillor P Wells and Councillor K Richardson be granted leave of absence from this meeting.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**CCL24/328 CONFLICTS OF INTEREST (ID24/2232)**

There were no conflicts of interest declared.

**CCL24/329 PUBLIC FORUM (ID24/2233)**

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

Mr James Eddy – Difficulties for Community Groups Operating in the Regional Theatre.

**CCL24/330 CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING - 26 NOVEMBER 2024 (ID24/2235)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 26 November 2024.

Moved by Councillor A Ryan and seconded by Councillor L Butler.

**MOTION**

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 26 November 2024 (as attached) be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/331 PRESENTATION - SISTER CITY EXCHANGE STUDENTS (ID24/2241)**

Council reports having met with Kym Ireland, Kacey Ireland and Jake Spinks.

**INFORMATION ONLY MATTERS:****CCL24/332 MAYORAL APPOINTMENTS AND MEETINGS (ID24/2204)**

The Council had before it the report dated 22 November 2024 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor J Black and seconded by Councillor S Chowdhury.

**MOTION**

**That the information contained within the report be noted.**

**CARRIED**

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**

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For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/333 MAYORAL EXPENSES - NOVEMBER 2024 (ID24/2206)**

The Council had before it the report dated 25 November 2024 from the Chief Executive Officer regarding Mayoral Expenses - November 2024.

Moved by Councillor J Black and seconded by Councillor J Cowley.

**MOTION**

**That the information contained within the report be noted.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/334 SMART AND COOL PLACES PROJECT (ID24/2227)**

The Council had before it the report dated 28 November 2024 from the Director Development and Environment regarding Smart and Cool Places Project.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury.

**MOTION**

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

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/335 DEVELOPMENT ACTIVITY SUMMARY (ID24/2174)**

The Council had before it the report dated 29 November 2024 from the Manager Building and Development Services regarding Development Activity Summary.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury.

**MOTION**

**That the report of the Manager Building and Development Services dated 29 November, 2024 be noted.**

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/336 QUARTERLY REPORT ON COMPLAINT STATISTICS UNDER COUNCIL'S CODE OF CONDUCT - QUARTER 1 (ID24/2203)**

The Council had before it the report dated 1 December 2024 from the Manager Corporate Governance regarding Quarterly Report on Complaint Statistics Under Council's Code of Conduct - Quarter 1.

Moved by Councillor J Cowley and seconded by Councillor S Chowdhury.

**MOTION**

**That the information contained within the report of the Manager Corporate Governance, dated 1 December 2024, be noted.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/337 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - NOVEMBER 2024 (ID24/2138)**

The Council had before it the report dated 2 December 2024 from the Revenue Accountant regarding Investment Under Section 625 of the Local Government Act - November 2024.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright.

**MOTION**

**That the information contained within the Investment under Section 625 of the Local Government Act Report be noted.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/338 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS (ID24/2251)**

The Council had before it the report dated 1 December 2024 from the Corporate Strategy Performance Coordinator regarding Monthly Reporting Snapshot for Councillors.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright.

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT

**MOTION**

**That the information contained within the report of the Corporate Strategy and Performance Coordinator, dated 2 December 2024, be noted.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**NOTICES OF MOTION:****CCL24/339 SHARE THE DIGNITY (ID24/2248)**

Council had before it a Notice of Motion dated 29 November 2024 from Councillor J Cowley regarding the Share the Dignity.

Moved by Councillor J Cowley and seconded by Councillor S Chowdhury.

**MOTION**

**That Council staff work with Share the Dignity to find an appropriate space to house a vending machine for Share the Dignity and seek external funding for the \$26,000 inc. GST cost over 4 years for the vending machine and supplies.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/340 LOCAL PURCHASING POLICY (ID24/2249)**

Council had before it a Notice of Motion dated 29 November 2024 from Councillor M Dickerson regarding the Local Purchasing Policy.

Moved by Councillor M Dickerson and seconded by Councillor S Chowdhury.

**MOTION****That Council:**

1. Requests the Chief Executive Officer to provide a report on the utilisation of local businesses in Council's procurement activities.
2. The report is to include, at a minimum:
  - An update on Council's current initiatives to support local businesses.
  - A review of the definition of "local business" as outlined in the Procurement Policy, including its application and any recommendations for improvement.
  - An assessment of the effectiveness of the nominal five percent price deduction applied to local businesses and local content in evaluating prices.
  - Recommendations for enhancing local business outcomes through Council's Local

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT

**Procurement Policy Strategy and associated procedures, including any potential modifications to the current definition and nominal discount mechanism.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/341 COUNCIL BUILDINGS (ID24/2252)**

Council had before it a Notice of Motion dated 29 November 2024 from Councillor S Chowdhury regarding the Council Buildings.

Moved by Councillor S Chowdhury and seconded by Councillor M Dickerson.

**MOTION**

**That the CEO provide a report to Council listing all underutilised buildings and parcels of serviced commercial land owned by Council, including a detailed overview of potential or planned future use.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**REPORTS FROM STAFF:****CCL24/342 PROPOSED RESTRICTED TRUCK ZONE - SHERATON ROAD (ID24/2254)**

The Council had before it the report dated 2 December 2024 from the Infrastructure Strategy Team Leader regarding Proposed Restricted Truck Zone - Sheraton Road.

Moved by Councillor S Chowdhury and seconded by Councillor P Toynton.

**MOTION**

**That Council endorse the installation of new signage on Sheraton Road during ordinary school operating times from 8.00am – 9.30am and 2.00pm – 4.00pm, being, Trucks Prohibited signage on Sheraton Road and Advanced Trucks Prohibited signage on all approach roads in accordance with Council's Plan TM 7634.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**

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**CCL24/343 RENEWABLE ENERGY PROJECTS UPDATE (ID24/2223)**

The Council had before it the report dated 28 November 2024 from the Director Development and Environment regarding Renewable Energy Projects Update.

Moved by Councillor R Ivey and seconded by Councillor M Wright.

**MOTION**

**That the report of the Director Development and Environment dated 28 November 2024, be noted.**

**CARRIED**

For: Councillors J Black, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Councillor L Butler.

**CCL24/344 DRAFT DEVELOPMENT CONTROL PLAN DCP24-001 - TIGER MOTH CIRCUIT - 38 HIGH STREET DUBBO (ID24/2007)**

The Council had before it the report dated 19 November 2024 from the Growth Planner regarding Draft Development Control Plan DCP24-001 - Tiger Moth Circuit - 38 High Street Dubbo.

Moved by Councillor S Chowdhury and seconded by Councillor J Cowley.

**MOTION**

1. **That the draft Tiger Moth Circuit Development Control Plan (attached in Appendix 1) be adopted for the purposes of public exhibition.**
2. **That the draft Tiger Moth Circuit Development Control Plan be placed on public exhibition for a period of not less than 28 days in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.**
3. **That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/345 AMENDMENTS TO THE RENEWABLE ENERGY BENEFIT FRAMEWORK (ID24/2146)**

The Council had before it the report dated 15 November 2024 from the Development Contributions Administrator regarding Amendments to the Renewable Energy Benefit Framework.

Moved by Councillor M Dickerson and seconded by Councillor R Ivey.



ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT

**MOTION**

1. That Council adopt the amended Renewable Energy Benefit Framework (attached in Appendix 1) that includes the following amendments:
  - a. Electricity Generating Works (includes solar energy farms, wind energy farms, pumped hydro, hydrogen energy developments and any other developments that meet the definition of Electricity Generating Works):
    - Funding received by Council is \$1,050 per megawatt per annum for wind energy development, with payment of funds as annual payments from the commencement of construction.
    - Funding received by Council is equivalent to \$850 per megawatt per annum for solar energy farms, with payment of funds as annual payments from the commencement of construction.
    - Funding received by Council is equivalent to \$850 per megawatt per annum for pumped hydro, hydrogen energy and any other development that meets the definition of Electricity Generating Works, with payment of funds as annual payments prior to the commencement of construction.
  - b. Battery Energy Storage Systems:
    - Funding received by Council is \$150 per megawatt hour per annum, with payment of funds as annual payments from the commencement of construction.
  - c. Funding be adjusted annually to the Consumer Price Index – Sydney All Groups.
2. That Council note the NSW Government Department of Planning, Housing and Infrastructure Benefit-Sharing Guideline (Appendix 2).

**CARRIED**

For: Councillors J Black, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan and M Wright.  
Against: Councillors L Butler and P Toynton.

**CCL24/346 DUBBO REGIONAL SPORTS COUNCIL - PLAYING FIELD IMPROVEMENT FUND (ID24/2208)**

The Council had before it the report dated 25 November 2024 from the Recreation Coordinator regarding Dubbo Regional Sports Council - Playing Field Improvement Fund.

Moved by Councillor M Wright and seconded by Councillor J Cowley.

**MOTION**

**That in accordance with the Financial Assistance Policy, and consistent with the assessment of the Sports Council, Dubbo Regional Council award Dubbo District Football Association the sum of \$7,797 from the Sports Council Playing Field Improvement Fund as a 50% contribution toward the cost of renewing the Lady Cutler East small-sided fields goal posts.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.  
Against: Nil

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**CCL24/347 2024 SISTER CITY STUDENT EXCHANGE VISIT BY DUBBO STUDENTS TO MINOKAMO (ID24/2216)**

The Council had before it the report dated 26 November 2024 from the Cultural Development Coordinator regarding 2024 Sister City Student Exchange visit by Dubbo Students to Minokamo.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury.

**MOTION**

**That the report from the Sister City Officer be noted.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/348 DETERMINATION OF ORDINARY COUNCIL MEETING TO BE HELD 21 JANUARY 2025 (ID24/2165)**

The Council had before it the report dated 18 November 2024 from the Director Organisational Performance regarding Determination of Ordinary Council Meeting to be held 21 January 2025.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury.

**MOTION**

**That an Ordinary Council meeting be held on Tuesday 21 January 2025 for the purposes of determining various tenders and development applications and associated matters.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/349 MACQUARIE FORESHORE EVENTS PRECINCT AND OLD DUBBO GAOL HERITAGE PLAZA - ADDITIONAL FUNDING REQUIREMENTS (ID24/2253)**

The Council had before it the report dated 2 December 2024 from the Director Organisational Performance regarding Macquarie Foreshore Events Precinct and Old Dubbo Gaol Heritage Plaza - Additional Funding Requirements.

Moved by Councillor P Toynton and seconded by Councillor L Butler.

**That we have had two speakers for and two speakers against this item, I move that the motion be put.**

**CARRIED**

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**

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For: Councillors J Black, L Butler, J Cowley, R Ivey, A Ryan, P Toynton and M Wright.  
Against: Councillors S Chowdhury and M Dickerson.

Moved by Councillor S Chowdhury and seconded by Councillor M Dickerson.

**MOTION**

That Council allocate an additional \$2.30 million to the events precinct and \$1.24 million to the Heritage Plaza from Asset Renewal Reserves in order to complete both projects.

LOST

For: Councillors Cowley, S Chowdhury and M Dickerson.  
Against: Councillors L Butler, M Wright, A Ryan, J Black, P Toynton and R Ivey.

Moved by Councillor L Butler and seconded by Councillor P Toynton.

**MOTION**

1. That Council submit a request to Infrastructure NSW for a scope change, transitioning the Events Precinct to a Tender-Ready Project.
2. That Council seek approval from Infrastructure NSW for a budget reallocation of the Restart NSW Grant to fund the Heritage Plaza.

CARRIED

For: Councillors J Black, L Butler, J Cowley, R Ivey, A Ryan, P Toynton and M Wright.  
Against: Councillors M Dickerson and S Chowdhury.

**CCL24/350 LAND ACQUISITION - DUBBO REGIONAL LIVESTOCK MARKETS - LOT 1  
DEPOSITED PLAN 446390 (ID24/2078)**

The Council had before it the report dated 7 November 2024 from the Property and Land Officer regarding Land Acquisition - Dubbo Regional Livestock Markets - Lot 1 Deposited Plan 446390.

Moved by Councillor P Toynton and seconded by Councillor S Chowdhury.

**MOTION**

1. That Council proceed with the compulsory acquisition of the whole of Lot 1 Deposited Plan 446390 (Property) for the purposes as detailed in this Report.
2. That the compulsory acquisition of the Property noted in Resolution No.1 (above) is acquired:
  - a. pursuant to s.186 of the Local Government Act 1993 (NSW); and
  - b. In accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. That upon acquisition, Council's interests are classified as operational in accordance with Chapter 6, Part 2 of the Local Government Act 1993.
4. That Council make an application to the Minister for Local Government to issue a

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT

Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 for Council to compulsorily acquire the Property noted in Resolution no. 1 (above).

5. That Council make an application to the Governor of NSW for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 for Council to compulsorily acquire the properties noted in resolution no. 1 (above).
6. That Council delegate to the Chief Executive Officer, the power to negotiate actual and reasonable costs subject to budget limitations.
7. That Council delegate to the Chief Executive Officer, the power to negotiate, finalise, and execute any applications, notices, documents, and compensation claims required to be executed as part of the process for Council to compulsorily acquire the Property.
8. That all documentation in relation to this matter be executed under Power of Attorney.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/351 PROPOSED MASTERPLAN AND LODGEMENT OF PLANNING PROPOSAL  
APPLICATION FOR KESWICK ESTATE (ID24/1306)**

The Council had before it the report dated 25 June 2024 from the Property and Land Development Officer regarding Proposed Masterplan and Lodgement of Planning Proposal Application for Keswick Estate.

Moved by Councillor P Toynton and seconded by Councillor M Wright.

**MOTION**

1. That Council endorse the proposed draft masterplan for the remaining stages of Keswick Estate, located on part of Lot 101 on DP1301426.
2. That Council notes the draft masterplan will undergo a final revision generally in accordance with the principles outlined in this report.
3. That Council notes a planning proposal application will be lodged over part of Lot 101 on DP1301426.
4. That the name for this development will be Ironbark Estate.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**CCL24/352 LOCAL GOVERNMENT REMUNERATION TRIBUNAL AND OTHER SUBMISSIONS  
BY COUNCIL (ID24/2124)**

The Council had before it the report dated 11 November 2024 from the Manager Corporate Governance regarding Local Government Remuneration Tribunal and Other Submissions by Council.

Moved by Councillor S Chowdhury and seconded by Councillor J Cowley.

**MOTION**

1. That Council note the submissions to the Office of Local Government and the Parliament of New South Wales.
2. That Council endorse the draft submission to the Local Government Remuneration Tribunal as attached to this report at Appendix 4.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/353 OUTSTANDING ACTIONS FROM COUNCIL AND COMMITTEES (ID24/2069)**

The Council had before it the report dated 5 November 2024 from the Governance Team Leader regarding Outstanding Actions from Council and Committees.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright.

**MOTION**

1. That the report from the Governance Team Leader be noted.
2. That the reporting of the outstanding resolutions be presented to Council quarterly.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/354 CONTINUATION OF MEMBERSHIP OF ASSOCIATED LOCAL GOVERNMENT  
ORGANISATIONS (ID24/2209)**

The Council had before it the report dated 26 November 2024 from the Governance Team Leader regarding Continuation of Membership of Associated Local Government Organisations.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury.

**MOTION**

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**

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**That the information provided in this report be noted.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.  
Against: Nil

**CCL24/355 REQUEST FOR COUNCILLOR REPRESENTATION - DISTRICT LIAISON COMMITTEE (ID24/2220)**

The Council had before it the report dated 27 November 2024 from the Executive Assistant - Chief Executive Officer regarding Request for Councillor Representation - District Liaison Committee.

Moved by Councillor S Chowdhury and seconded by Councillor P Toynton.

**MOTION**

1. **That the two Councillor members of the District Liaison Committee are the Deputy Mayor and Clr S Chowdhury.**
2. **That the two Councillor members and the Chief Executive Officer (or delegate) attend the District Liaison Committee meetings as per the Service Agreement with the Rural Fire Service.**

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.  
Against: Nil

**CCL24/356 COMMENTS AND MATTERS OF URGENCY (ID24/2236)**

There were no matters recorded under this clause.

**CONFIDENTIAL**

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

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

*CCL24/357- Saxa Road/Comobella Crossing Replacement Project – Land Acquisition* -- 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)).

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**

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CCL24/358 – *Tender for the Dubbo Aquatic Leisure Centre – Refurbishment and Upgrade of 50 Metre Pool and Water Slide Plant Room* - 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)).

CCL24/359 – *Tender for the Cleaning of Public Amenities and BBQs* - 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)).

CCL24/360 – *Dubbo Regional Livestock Markets – Organisational Structure Update* - 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)).

CCL24/361 – *Tender – Macquarie Events Precinct* - the reason being that the matter concerned commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).

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

At this juncture it was moved by Councillor A Ryan and seconded by Councillor S Chowdhury that the Council resolves into closed session, the time being 7:35pm.

The open session resumed at 7:50pm.

The Resolutions of the Closed session of Council were displayed on the screen on recommencement of live stream.

**CCL24/357 SAXA ROAD/ COMOBELLA CROSSING REPLACEMENT PROJECT - LAND ACQUISITION (ID24/2167)**

The Council had before it the report dated 18 November 2024 from the Manager Infrastructure Delivery regarding Saxa Road/ Comobella Crossing Replacement Project - Land Acquisition.

Moved by Councillor A Ryan and seconded by Councillor S Chowdhury.

**MOTION**

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

**CARRIED**

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT

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Moved by Councillor S Chowdhury and seconded by Councillor R Ivey.

**MOTION**

1. That Council approve to enter into negotiations to acquire part of Lot 9 DP 754327 for the purposes as detailed in this report pursuant to s177 and s178 of the Roads Act 1993 (NSW) as described in the body of this report; and in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. That Council register an acquisition plan against the title to Lot 9 DP 754327.
3. That upon acquisition, Council's interests are classified as operational in accordance with Chapter 6, Part 2 of the *Local Government Act 1993* and the property be dedicated as public road reserve.
4. That Council approve the making of an application to the Minister for Local Government to issue a Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 for Council to compulsorily acquire the property noted in recommendation 1 (above).
5. That Council make an application to the Governor of NSW for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 for Council to compulsorily acquire the property noted in recommendation 1 (above).
6. That Council delegate to the Chief Executive Officer, the power to negotiate actual and reasonable costs subject to budget limitations.
7. That Council delegate to the Chief Executive Officer, the power to negotiate, finalise, and execute any applications, notices, documents, and compensation claims required to be executed as part of the process for Council to compulsorily acquire Lot 9 DP 754327.
8. That any documents which may not be executed by the Chief Executive Officer under delegation be executed under the Common Seal of Council.
9. That all documentation in relation to this matter remain confidential to Council.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/358 TENDER FOR THE DUBBO AQUATIC LEISURE CENTRE - REFURBISHMENT AND UPGRADE OF 50 METRE POOL AND WATER SLIDE PLANT ROOM (ID24/2155)**

The Council had before it the report dated 15 November 2024 from the Manager Recreation and Open Spaces regarding Tender for the Dubbo Aquatic Leisure Centre - Refurbishment and upgrade of 50 metre Pool and Water Slide Plant Room.

Moved by Councillor A Ryan and seconded by Councillor S Chowdhury

**MOTION**

**The Council recommends that members of the press and public be excluded from the**



**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT**

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

**CARRIED**

Moved by Councillor S Chowdhury and seconded by Councillor P Toynton.

**MOTION**

1. That Aquatic Project Pty Ltd be awarded the tender for the Refurbishment and Upgrade of the 50 metre Pool and Water Slide Plan Room for the tendered price of \$1,078,000 (incl GST) in accordance with Clause 178 (1) of the Local Government (General) Regulation 2021.
2. That the Aquatic Leisure Centre's 2025/2026 Capital Works budget be adjusted to reflect the tendered price, plus an allowance of \$38,500 (inc GST) for additional non-tendered works plus a 10% contingency (\$111,650 inc GST). Total \$1,228,150 (inc GST).
3. That Council delegate the Chief Executive Officer to approve the extension options for this contract if required.
4. That Council delegate the Chief Executive Officer to approve variations for this contract subject to budget limitations.
5. That all documentation in relation to this matter be signed under the Common Seal of Council.
6. That all documentation in relation to this matter remain confidential to Council.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/359 TENDER FOR THE CLEANING OF PUBLIC AMENITIES AND BBQS (ID24/2244)**

The Council had before it the report dated 29 November 2024 from the Manager Recreation and Open Spaces regarding Tender for the Cleaning of Public Amenities and BBQs.

Moved by Councillor A Ryan and seconded by Councillor S Chowdhury.

**MOTION**

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

**CARRIED**

Moved by Councillor P Toynton and seconded by Councillor M Wright.

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT

**MOTION**

1. That TechniClean Dubbo Pty Ltd be awarded the Cleaning of Open Space Public Amenities for 12 months, with a 12-month option, for \$322,765 (including gst) in accordance with Clause 178 (1) of the Local Government (General) Regulation 2021.
2. That Serenity Landscapes be awarded the Cleaning of the BBQs, Shelters and Associated Furniture, for 12 months, with a 12-month option, for \$52,922 (including gst) in accordance with Clause 178 (1) of the Local Government (General) Regulation 2021.
3. That the budgets in Open Space and Recreation and Sporting be adjusted to reflect the tendered prices.
4. That all documentation in relation to this matter be signed under the Common Seal of Council.
5. That all documentation in relation to this matter remain confidential to Council.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, A Ryan, P Toynton and M Wright.

Against: Nil

**CCL24/360 DUBBO REGIONAL LIVESTOCK MARKETS - ORGANISATIONAL STRUCTURE UPDATE (ID24/2243)**

The Council had before it the report dated 29 November 2024 from the Director Organisational Performance regarding Dubbo Regional Livestock Markets - Organisational Structure Update.

Moved by Councillor A Ryan and seconded by Councillor S Chowdhury.

**MOTION**

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

**CARRIED**

Moved by Councillor P Toynton and seconded by Councillor S Chowdhury.

**MOTION**

1. That the report of the Director Organisational Performance dated the 29 November 2024 be noted.
2. That the Council note that to ensure a smooth transition to the improved status quo that the transition will be completed by 30 June 2025.

**CARRIED**

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024  
REPORT

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, R Ivey, A Ryan, P Toynton and M Wright.  
Against: M Dickerson

**CCL24/361 TENDER MACQUARIE EVENTS PRECINCT (ID24/2240)**

The Council had before it the report dated 29 November 2024 from the Manager Building Assets regarding Tender Macquarie Events Precinct.

Moved by Councillor A Ryan and seconded by Councillor S Chowdhury.

**MOTION**

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).

**CARRIED**

Moved by Councillor S Chowdhury and seconded by Councillor P Toynton.

**MOTION**

1. That Council notify Stanaway Pty Ltd T/A David Payne Constructions that their Construction Tender for the Macquarie Foreshore Events Precinct was unsuccessful, due to budget shortfall.
2. That all documentation in relation to this matter remain confidential to Council.

**CARRIED**

For: Councillors J Black, L Butler, S Chowdhury, J Cowley, R Ivey, A Ryan, P Toynton and M Wright.  
Against: Councillor M Dickerson.

The meeting closed at 7:51.

.....  
CHAIRPERSON



DUBBO REGIONAL  
COUNCIL

## NOTICE OF MOTION: Review of all Sister City Relationships

REPORT DATE: 10 January 2025

FILE: ID25/13

Council had before it a Notice of Motion dated 10 January 2025 from Councillor M Dickerson regarding the Review of all Sister City Relationships:

1. *That the CEO provide a report to Council in April 2025 regarding the current status of all sister-city relationships involving Dubbo Regional Council, including those formed by the former Wellington Shire Council and Dubbo City Council.*
2. *The report shall include:*
  - *An overview of activities and engagements for each relationship.*
  - *Recommendations for MOUs or agreements required to continue active partnerships or whether formal cessation of these ties is appropriate.*
3. *That the Council consider the outcomes of the report and, where appropriate, initiate steps to:*
  - *Formalise MOUs for active partnerships to ensure mutual benefits.*
  - *Engage with cities linked to dormant relationships to determine their interest in reactivating the partnership.*
  - *Politely discontinue ties with cities where mutual engagement is no longer feasible.*

### RECOMMENDATION

1. **That the CEO provide a report to Council in April 2025 regarding the current status of all sister-city relationships involving Dubbo Regional Council, including those formed by the former Wellington Shire Council and Dubbo City Council.**
2. **The report shall include:**
  - **An overview of activities and engagements for each relationship.**
  - **Recommendations for MOUs or agreements required to continue active partnerships or whether formal cessation of these ties is appropriate.**
3. **That the Council consider the outcomes of the report and, where appropriate, initiate steps to:**
  - **Formalise MOUs for active partnerships to ensure mutual benefits.**
  - **Engage with cities linked to dormant relationships to determine their interest in reactivating the partnership.**
  - **Politely discontinue ties with cities where mutual engagement is no longer feasible.**

MD  
Councillor

**APPENDICES:**

- 1 [↓](#) Signed Notice of Motion - Sister Cities - Clr Mathew Dickerson

10 January 2025

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

Please place the following Notice of Motion on the agenda for the January 2025 Ordinary Meeting of Council.

**NOTICE OF MOTION: REVIEW OF ALL SISTER-CITY RELATIONSHIPS**

**Motion:**

1. That the CEO provide a report to Council in April 2025 regarding the current status of all sister-city relationships involving Dubbo Regional Council, including those formed by the former Wellington Shire Council and Dubbo City Council.
2. The report shall include:
  - o An overview of activities and engagements for each relationship.
  - o Recommendations for MOUs or agreements required to continue active partnerships and the status of any necessary DFAT approvals.
  - o An assessment of whether cities linked to dormant relationships are interested in active partnerships or whether formal cessation of these ties is appropriate.
3. That the Council consider the outcomes of the report and, where appropriate, initiate steps to:
  - o Formalise MOUs for active partnerships to ensure mutual benefits.
  - o Engage with cities linked to dormant relationships to determine their interest in reactivating the partnership.
  - o Politely discontinue ties with cities where mutual engagement is no longer feasible or relevant.

**Rationale:**

Sister-city relationships are key to fostering cultural exchange and international goodwill. Dubbo Regional Council maintains active partnerships with Minokamo (Japan) and Wujiang (China). While exchanges with Minokamo have resumed post-COVID, Wujiang has expressed interest in restarting physical exchanges, pending the development of an MOU and DFAT approval.

Inactive relationships, including those with Newcastle; Warringah; Clawson; Victoria Falls and Fleurance, require assessment for relevance. Wellington's historic ties with Ōsawano, now part of Toyama City, and Wewak also need review. Resources should focus on meaningful, contemporary engagements while respecting historical ties.

This motion supports active partnerships through formal agreements and ensures dormant ties are addressed appropriately, aligning with Council's strategic priorities.



**Councillor Mathew Dickerson**



**REPORT: D22-528 - Concrete Works - Lot 2101 DP1227782 and Lot 211 DP1220433, 19L-20L Sheraton Road, Dubbo**  
**Applicant: Regional Hardrock Pty Ltd**  
**Owner: Regional Hardrock Pty Ltd**

**DIVISION:** Development and Environment  
**REPORT DATE:** 7 November 2024  
**TRIM REFERENCE:** ID24/2081

**EXECUTIVE SUMMARY**

<b>Purpose</b>	<ul style="list-style-type: none"> <li>Seek planning approval</li> </ul>	
<b>Issue</b>	<ul style="list-style-type: none"> <li>A previous resolution of Council requires this Development Application to be determined at a Council meeting.</li> <li>The Development Application was publicly exhibited, and nine submissions were received.</li> </ul>	
<b>Reasoning</b>	<ul style="list-style-type: none"> <li>In accordance with the delegations to the Chief Executive Officer, the Application is reported to Council for consideration as eight or more valid planning objections to the Application were received. The Application is also reported to Council for the reason as referred to above.</li> <li>The Development Application is for an increase in production of the existing concrete works at Lot 2101 DP1227782 and Lot 211 DP1220433, 19L-20L Sheraton Road Dubbo from 30,000 tonnes per annum to 50,000 tonnes per annum.</li> <li>The proposal is a permitted use in the E5 Heavy Industrial zone in the Dubbo Regional Local Environmental Plan 2022.</li> <li>It is considered that the development can incorporate adequate measures to ensure there is no significant adverse impacts to the natural and built environments.</li> <li>It is recommended that the Application be approved, subject to conditions.</li> </ul>	
<b>Financial Implications</b>	Budget Area	Infrastructure
	Funding Source	Voluntary Planning Agreement – Maintenance and upgrade of Sheraton Road (separate report).
	Proposed Cost	Subject to the endorsement of the Planning Agreement (separate report), there are no proposed costs to Council arising from this development.
	Ongoing Costs	There are no ongoing costs to Council arising from the proposed development.
<b>Policy Implications</b>	Planning	<ul style="list-style-type: none"> <li>Dubbo Regional Local Environmental Plan 2022</li> </ul>

	Instruments	<ul style="list-style-type: none"> <li>• Dubbo Development Control Plan 2013</li> <li>• Protection of the Environment Operations Act 1997 (POEO Act)</li> <li>• Water Management Act 2000 (WM Act)</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• SEPP (Biodiversity and Conservation) 2021</li> <li>• SEPP (Planning Systems) 2021</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• SEPP (Transport and Infrastructure) 2021</li> </ul>
	Impact on Policy	The proposal is consistent with the above planning instruments.

### STRATEGIC DIRECTION

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

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

### RECOMMENDATION

1. That Development Application No. D22-528 for a Concrete Works at Lot 2101 DP1227782 and Lot 211 DP1220433, 19L-20L Sheraton Road Dubbo be approved subject to the conditions listed in Appendix 1.
2. That Council grant delegation to the Chief Executive Officer to sign the determination (approval).

*Steven Jennings*  
Director Development and Environment

*TS*  
Team Leader Growth  
Planning Projects



**PREVIOUS RESOLUTIONS OF COUNCIL**

- 11 April 2024    *In part*  
IPEC24/16    1.    *That a draft Planning Agreement be prepared in accordance with the terms identified in this report and the letter of offer provided by Regional Hardrock Pty Ltd (attached in Appendix 1).*  
                  5.    *That the determination of Development Application No. D22-528 be undertaken at a Council meeting.*
- 24 April 2024    *That the report of the Infrastructure, Planning and Environment*  
CCL24/81        *Committee meeting held on 11 April 2024, be adopted...*

**BACKGROUND**

D20-542 Part 1 granted consent for cement works to be undertaken from the subject land and comprised of:

- Concrete batching plant and associated infrastructure;
- Pre-cast concrete product manufacturing facility and office facilities;
- Product storage area; and
- Site access road.

The development was for the delivery of raw material to the site for processing and batching into wet mix concrete to be used to manufacture pre-cast concrete products for distribution. No batched concrete (wet mix) was proposed to be dispatched from the facility area.

This consent granted approval for the processing of up to 150 tonnes per day and 30,000 tonnes of concrete annually. Additionally, the consent granted approval for the production of up to 150 tonnes or 30,000 tonnes of concrete products annually.

The development resulted in a net increase of three heavy vehicles and 64 light vehicles accessing the site on a daily basis (taking the existing traffic volumes accessing the extractive industry located on the same land into consideration).

The development was granted consent to operate between 7.00am to 6.00pm Monday to Friday and 7.00am to 3.00pm Saturdays, but not permitted to operate on Sundays or public holidays. However, trucks already laden during approved operating hours are permitted to exit the site between 5.00am and 10.00pm Monday to Friday and 5.00am to 6.00pm Saturdays. Haulage from the site is not permitted on Sundays and public holidays.

Haulage operations associated with the cement works (heavy vehicles) are restricted to occur outside school student drop off and pick up times along Sheraton Road. During the restricted time periods heavy vehicles are permitted to use Boundary Road and Wheelers Lane as the secondary haulage route.

The development has also been the subject of other minor modifications.

## REPORT

### 1. Proposed Development

Council is in receipt of a Development Application to increase production at the existing concrete works at Lot 211 DP1220433 - 20L Sheraton Road and Lot 2101 DP1227782 - 19L Sheraton Road Dubbo.

Development Consent was originally sought for the following:

- Increase the production rate to 250,000 tonnes per annum;
- Remove the daily production limit of 150 tonnes;
- Use Boundary Road/Wheelers Lane as a primary haulage route and Sheraton Road as a secondary haulage route.

During the assessment period the proposal was amended to the following:

- Increase the production rate to 50,000 tonnes per annum (tpa);
- Removal of the daily production limit (however, the annual production rate of 50,000 tonnes would apply);
- Extension to concrete batching and concrete product manufacture hours to 24-hour (Monday 4.00am to Saturday 5.00pm) excluding Sundays and public holidays;
- Extension of haulage hours to 4.00am – 10.00pm Monday to Friday, and 4.00am to 6.00pm Saturday (no haulage on Sundays or public holidays); and
- Sheraton Road to be used as the primary haulage route outside restricted hours (i.e. school hours).

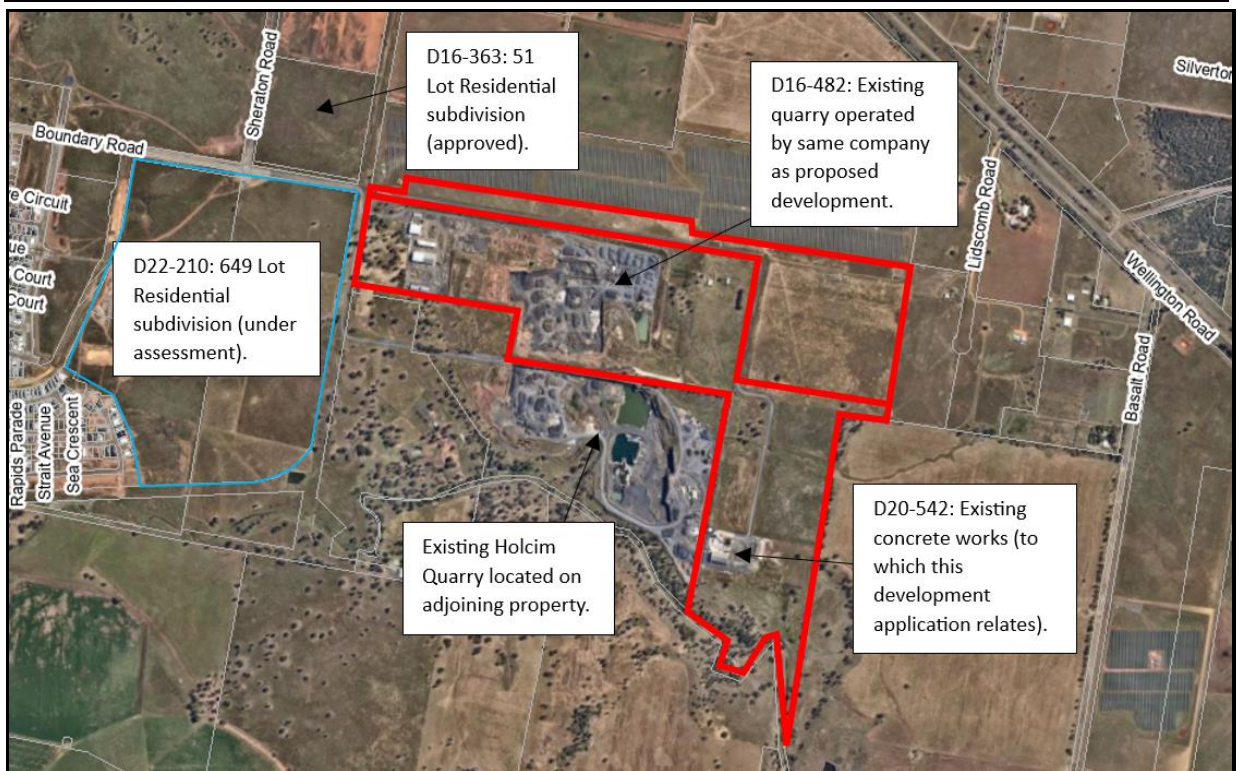
No other changes to approved operations (including staffing), site layout or development footprint from that currently approved are proposed.

The overall development will generate 170 heavy vehicle movements per day (24 movements approved under D20-542) and 64 light vehicle movements per day (all of which approved under D20-542), resulting in an increase of 82 traffic movements per day.

### 2. The Site

The land is located on the eastern side of Sheraton Road. The land has an overall area of 128.66ha and has frontage to Sheraton Road. For a locality map of the site see **Figure 1**.

The site of the proposed development is void of native vegetation due to the highly disturbed industrial nature of the existing cement works development.



**Figure 1:** Site location Lot 211 DP1220433 - 20L Sheraton Rd and Lot 2101 DP1227782 - 19L Sheraton Rd Dubbo

Access to the land is from Sheraton Road (bitumen sealed public road) and a right of carriageway over Lot 2101 DP1227782 19L Sheraton Road (bitumen sealed private road). Effluent, water and stormwater is managed on the site.

The site of the proposed development is located approximately 170m from Eulomogo Creek and approximately 1km from a dwelling house that is not associated with the development.

### 3. Site History

The extractive industry development is located on land to the northwest of the approved cement works. The extractive industry development was approved under Development Application D16-482. Whilst the cement works and extractive industry have synergies (extracted material is transported to the cement/concrete works facility to be mixed with other elements (from offsite) to make batched concrete (wet mix) and concrete products), the two businesses are operated independently of each other.

A condition of consent will detail that in the instance that conditions between the current Application D22-528 and D20-542 conflict with one another that the conditions of the subject Application D22-528 will prevail.

### 4. Legislative Assessment, Integrated Development

- (a) Protection of the Environment Operations Act 1997 (POEO Act)

The proposed development is a scheduled activity under Schedule 1 of the POEO Act, specifically 13 – concrete works.

The NSW Environment Protection Authority (EPA) provided General Terms of Approval dated 19 January 2024 (**Appendix 2**). This will be provided with any Development Consent. The GTAs reference a superseded Noise Impact Assessment. However, the EPA confirmed that the measures included in the GTA's provide for best management practices and best available technology to minimise noise levels with the development.

The cement works portion of the development is not considered a scheduled activity as the handling of cement and lime is associated with concrete batching as follows:

*(1) This clause applies to the following activities—*

***cement or lime handling***, meaning the handling of cement, fly ash, powdered lime (other than agricultural lime) or any other similar dry cement products, but not if the handling occurs as part of the production of pre-mixed concrete (concrete batching).

The (EPA) on its website under 'Questions and answers about the amendments' provides the following clarification in relation to how cement works (concrete batching) are regulated:

- ***How are concrete batching plants regulated?***
- *Concrete batching plants are considered low environmental risk and are effectively regulated by the EPA outside of the licensing framework by using inspections, clean-up notices, prevention notices, penalty notices and prosecutions. Licencing concrete batching plants would divert EPA regulatory resources from higher risk activities with little improvement in environmental outcomes.*

(b) Water Management Act 2000 (WM Act)

The concrete works will result in an increase in water demand which will primarily be sourced from two groundwater bores located on the landholding under WSWA 80WA724803, under *Water Supply Work Approval (WSWA) 80WA724803* and *Water Access Licence (WAL) 42089*. The proponent has provided a copy of the water supply works and/or use approval under the VM Act dated 14 March 2018 and a copy of the Water Access Licence (WAL) which details 100ML/year (ESID 226018) and 60ML/year (ESID 194036) of water is allocated to the Water Access Licence.

Although the licence relates to the subject land (Lot 211 DP1220433), the activity to which this licence relates is not provided. The Applicant has sought advice from DPE – Water as to whether water accessed under the existing Water Access Licence can be used for the proposed development to which the following response was provided:

*“A water supply use approval is not required from the department as Council has approved the concrete works, ie, the use of the site.*

*The water supply work approval was issued for the two bores. If an adequate water access licence to account for the total amount water extracted and is linked to the water supply work approval, that is all that is necessary.*

*If you change a work or add a work, you must apply to amend your approval. If there is inadequate ML on the water access licence to meet the need in production, you must obtain more ML to add to the existing water access licence.”*

A notation on the consent will be added to highlight the need to amend the existing Licence or if there is inadequate ML to meet the increase in production.

## 5. Legislative Assessment, Section 4.10 Designated Development

The proposed development is Designated Development in accordance with Schedule 3, Part 2 of the *Environmental Planning and Assessment Regulation 2021* as follows:

### 17 Concrete works

- (1) *Development for the purposes of concrete works is designated development if the works have an intended production capacity of more than—*
  - (a) *150 tonnes per day, or*
  - (b) *30,000 tonnes per year.*
- (2) *Development for the purposes of concrete works is designated development if the works—*
  - (a) *have an intended production capacity of more than 500 tonnes per year, and*
  - (b) *are located within—*
    - (i) *100 metres of a natural waterbody or wetland, or*
    - (ii) *250 metres of a residential zone, or*
    - (iii) *250 metres of a dwelling not associated with the development.*
- (3) ...
- (4) *In this section—*  
**concrete works** *means works that produce pre-mixed concrete or concrete products.*

The development seeks to increase the production of pre-mixed concrete and concrete products to a maximum of 50,000 tpa. At this maximum production rate, it is expected that approximately 50% of the concrete would be dispatched as batched concrete for supply to local construction sites, with the remaining 50% transferred to the Concrete Product Manufacturing Facility for production of concrete products such as bollards, plinths, guttering, pipes and culverts.

Concrete production rates for the proposed development will vary on a daily basis to reflect demand and will be largely project based. If a large project was to occur that results in the maximum production limit being reached, no further production could occur for the remainder of the year. The operators have accepted this risk when deciding to reduce the increase in maximum production from 250,000tpa to 50,000tpa.

**6. Planning Assessment, Section 4.15(1)**

The following section details assessment of the Development Application in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. Only matters considered of relevance in the assessment process are discussed in this section.

(a) (i) Environmental Planning Instruments

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The development does not involve any site works and as such, no land clearing is required. It is considered that there are no biodiversity impacts from the development.

*State Environmental Planning Policy (Planning Systems) 2021*

The proposed development is not regionally significant development and as such Council is the consent authority for the Development Application.

*State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 3 of the Policy provides for the identification, effective control and assessment of hazardous and offensive industry. Hazardous and offensive industries, and potentially hazardous and offensive industries, relate to industries that, without the implementation of appropriate impact minimisation measures, would (or potentially would) pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

The Development Application provides the following information:

*“The Proponent notes that the potentially hazardous goods that would be used or stored at the Concrete Works would be diesel and other hydrocarbons, which are classified as Combustible Liquids (C1). As no other flammable materials would be used or stored on the Project site, Combustible Liquids (C1) are not considered to be potentially hazardous (refer to Section 7.1 of DoP, 2011). No Preliminary Hazard Analysis is therefore required and SEPP 33 is not considered further in this EIS.”*

No further action required.

In relation to contamination, the proposed development is an intensification of the existing land use. The site is currently listed on Council’s register of potentially contaminated land. No other changes to approved operations, site layout or development footprint from that currently approved is proposed. No further action is considered to be required.

*State Environmental Planning Policy (Transport and Infrastructure) 2021*

*Schedule 3 Traffic Generation Development to be referred to TfNSW*

The Development Application was referred to Transport for NSW for consideration under the provisions of the SEPP. TfNSW responded in correspondence dated 29 May 2023 raising no objections to the development. However, raised a number of matters for the consideration of Council as follows:

- *Council should consider restricting haulage of heavy vehicles during peak periods, where traffic volumes are high at the intersection of Mitchell Highway and Wheelers Lane, to minimise road safety and efficiency issues. The identified morning and afternoon peak hours of this intersection are 8:00am to 9:00am and 3:00pm to 4:00pm.*
- *TfNSW supports Council maintaining the restriction of haulage along Sheraton Road during the school zone restriction (8:00am to 9:30am and 2:00pm to 4:00pm).*
- *Council should restrict hourly heavy vehicle movements to a maximum of 10 laden/unladen heavy vehicle movements per hour (includes inbound + outbound).*
- *Council should ensure that any Operational Traffic Management Plan (OTMP) addresses the following (inter alia):*
  - *Compliance Checks:*
    - *Inspection of truck safety systems*
    - *Random inspections to ensure Driver's Code of Conduct are adhered to*
    - *Observations of trucks at intersections*
    - *Review of log books and travel times*
    - *Review of complaint records*
  - *Consider the following matters in the Drivers Code of Conduct.*
    - *Truck Driver Details*
      - *Register to keep truck driver details and contact information.*
    - *Drivers Obligations:*
      - *Not litter or behave anti-socially.*
      - *No tailgating of any vehicles at any time.*
      - *Compliance with occupational health and safety standards in accordance with the Work Health & Safety Act 2011 (the WHS Act).*
      - *Aware of First aid and amenities.*

Appropriate conditions have been included in the conditions of development consent provided here in **Appendix 1** in respect of the following:

- Restrict the haulage along Sheraton Road to outside the signposted school hours;
- Require an Operational Traffic Management Plan including a Driver Code of Conduct to be submitted to Council for consideration and approval.

The above comments were based on the original 250,000tpa proposal. It is considered that the amended proposal of 50,000tpa does not warrant the need to restrict hourly haulage movements given the development will be utilised for projects which will likely rely on approximately 12 haulage movements per day. No concerns are raised by the proponent as this will not be an ongoing arrangement and will be on a project/ad hoc basis.

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

*Dubbo Regional Local Environmental Plan 2022*

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

*Clause 1.4 Definitions*

The proposed development is defined as follows:

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

*It may also involve the use of a hazardous storage establishment or offensive storage establishment.*

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned E5 Heavy Industrial. The access road is located within land zoned RU2 Rural Landscape.

*Clause 2.3 Zone Objectives and Land Use Table*

The proposed development complies with the relevant objectives of the E5 zone. The proposed development is permitted with development consent in the E5 zone.

*Clause 5.10 Heritage Conservation*

There are no listed heritage items on the site or adjoining properties.

Although there are a number of identified sites of Aboriginal heritage this matter was addressed as part of the Development Application for cement works D20-542 in which GTAs were issued by Heritage NSW. This development will not result in additional impacts.

*Clause 5.14 Siding Spring Observatory – Maintaining Dark Sky*

- The proposed development has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory. In accordance with the Clause, the proposed development will not result in the emission of light of 1,000,000 lumens or more.



*Clause 7.2 Natural Resource - Biodiversity*

The subject land is identified as having biodiversity according to the Natural Resource Biodiversity Map. As part of the assessment for D20-542 a Biodiversity Development Assessment Report was prepared and considered by Council. As the proposed development will not result in additional site disturbance no further action is required.

*Clause 7.4 Natural Resource – Riparian Land and Waterways*

Part of the land is mapped as having riparian vegetation according to the Natural Resource – Water Map (predominantly around Eulomogo Creek). However, no further site disturbance is proposed.

Wastewater and stormwater runoff will continue to be managed in accordance with the water management plan approved and operating under D20-542. The Applicant provided the following information explaining how an increase in production will not result in an increase in water usage/wastewater:

- *While additional water is required for the increase in concrete production, this water forms part of the concrete product, i.e. there is no increase in water discharge within the contaminated water management area.*
- *There will be no change to the catchment of the contaminated water management area and therefore the volume of runoff generated by the first 10 mm of rainfall will not change (9 kL), i.e. freeboard requirements of the wedge (first flush) pits do not change.*
- *The volume of water retained in the first flush pits is influenced by washout from returning concrete agitators. However, it is noted that the requirement to washout the barrels of returning agitators is likely to reduce with an increase in production as the agitators are more continuously operated, i.e. less stand-down time when washout is required to prevent hardening of concrete in the barrels.*
- *The wedge pits of the concrete works have been constructed with 50% greater capacity than originally nominated in the Statement of Environmental Effects (Umwelt, 2020) supporting the original Development Application. As such, capacity already exists to manage any small/incidental increase in washout water within the contaminated water management area.*
- *The Operational Environmental Management Plan (OEMP) includes controls requiring that minimum freeboard is maintained in the wedge pits at the close of operations each day. This is achieved by transferring surplus water to the main water holding tank.*

In relation to the management of Eulomogo Creek, the Applicant provided the following information:

*“If approved, an Environmental Protection Licence (EPL) may be required for the operation of the Concrete Works, given that production of concrete products (excluding batched pre-mix concrete) could exceed the threshold identified in the Protection of the Environment Operations Act 1997 (POEO Act) for a scheduled concrete works activity. If approved, prior to production exceeding POEO Act thresholds, RHPL will apply for an EPL*

*and include a licenced discharge point for any discharge to Eulomogo Creek. RHPL does not propose to collect baseline data from Eulomogo Creek given the infrequency of potential discharge from site. In the event of a discharge from the site, monitoring samples would be collected from the licenced discharge point and Eulomogo Creek and any other requirements in accordance with the EPL conditions.”*

No further consideration of this issue is required.

*Clause 7.5 Groundwater Vulnerability*

The land is included on the Natural Resource – Groundwater Vulnerability Map. As the proposed development will not result in additional site disturbance and the existing Water Management Plan will continue to be utilised as approved under D20-542, no further consideration is required.

(a) (ii) Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the land to which the Development Application relates.

(a) (iii) Development Control Plans

*Dubbo Development Control Plan 2013*

Chapter 2.3 Industrial Development and Subdivision

*Chapter 2.3.3 Development controls*

Due to the nature of the development to increase production at the cement works/concrete works and no physical works proposed, a number of elements of the DCP are not applicable and are not considered to have relevance to the assessment.

*Element 4 Vehicular Access, Parking and Hard Stand Areas*

The Application includes information that traffic associated with the delivery of raw materials for use in the concrete batching process would be as follows:

- *Coarse aggregates will be transported from the approved South Keswick Quarry in truck and dog (38 t capacity) arrangement heavy vehicles. While subject to daily concrete production requirements, between 30 to 40 aggregate delivery truck movements per day are expected. Notably, these truck movements would not use the public road network.*
- *Sand will be sourced from a local sand quarry(ies) with 38 t truck and dogs. Wherever practicable, these truck movements would be backloads of trucks delivering basalt aggregates from the South Keswick Quarry. While subject to daily concrete production requirements, between 30 to 40 sand delivery truck movements per day are expected.*

- *Cement, fly ash and chemical admixtures will be delivered in pneumatic B-double trucks from regional suppliers. An average of 1 to 2 trucks per day would enter and exit the Concrete Works delivering these products.*

*Production traffic would be as follows:*

- *Delivered in eight wheel, 6.4 m<sup>3</sup> capacity concrete agitator trucks, the Project would generate up to 118 vehicle movements per day. Notably, this includes the previously approved 24 vehicle movements per day for the delivery of 30,000 t of batched concrete annually.*
- *Pre-cast products will generally be delivered by semi-trailer to local destinations. Approximately 20 truck movements per day are expected during peak production and delivery periods.*

*Light vehicle traffic would be as follows:*

- *Approximately 64 staff light vehicle movements per day.*
- *The light vehicle movements have been determined with reference to the Amended Section 94 Contributions Plan - Roads, Traffic Management and Car Parking (the Plan). As per Table 4.1 of the Plan, the DRC trip rates relevant to the Project include:*
  - *General Heavy Industry at 1.5 daily trips per 100 m<sup>2</sup> Gross Floor Area (GFA); and*
  - *Other Office at 16 daily trips per 100 m<sup>2</sup> GFA. The 'general heavy industry' trip rate has been applied to the Shed (2,500 m<sup>2</sup> GFA) and batching plant (1,000 m<sup>2</sup> GFA) areas for the Project which equates to 52.5 daily trips. Additionally, the 'other office' trip rate has been applied to the Office Area (24 m<sup>2</sup> GFA) for the Project which equates to 11.5 daily trips. The Project is not expected to exceed 64 light vehicle movements per day (which was previously considered as part of the approved concrete works).*

The development seeks to utilise Sheraton Road as the primary haulage route. Council's Infrastructure Division provided the following assessment:

*"Council investigated strategic options on a way forward to address the proposed impact and increase of heavy vehicle traffic on Sheraton Road with the potential for an alternative route to satisfactorily accommodate the heavy traffic in order to minimise that impact on the existing road asset.*

*The desired outcome is to reconstruct Sheraton Road from Boundary Road to the Mitchell Highway and remove the heavy vehicle traffic out of Sheraton Road to an alternate route that will facilitate the future Southern Distributor connection to the Mitchell Highway via Sheraton Road north past the quarries. This is the longer-term strategy.*

*In consideration of the Stantec updated Traffic Impact Assessment Report dated 27 April 2023 and options proposed for alternate haulage routes from Sheraton Road, Council has advised that it cannot concur with the request to use Boundary Road as an alternative route during the restricted peak school periods. Council has determined that:*

- *The existing road network is being compromised with the advent of increased heavy vehicle activity and that of the increase in traffic throughout the City. Council needs to consider how best to preserve the integrity of its road asset and restrict the heavy vehicle movements to designated roads.*
- *Dubbo Quarry has been historically operating under the partial school zone time restricted periods, 8.30am to 9.00am and 2.45pm to 3.30pm in Sheraton Road before the Boundary Road extension was constructed.*
- *Sheraton Road will remain as the primary haulage route for the Dubbo Quarry until such time as the Blueridge link road is constructed to Capital Drive and access to the Mitchell Highway. This is an interim arrangement until such time as the Link Road is extended further east for the Capital Drive intersection to a new connection onto the Mitchell Highway.*
- *Wheelers Lane south from the Mitchell Highway to Boundary Road is structurally compromised with the ongoing heavy and light traffic loads and is not suitable as a haulage route. Council does not want an escalation of the deterioration of this section of Wheelers Lane. Localised deliveries to the immediate area are acceptable.*
- *Boundary Road between Sheraton Road and Wheelers Lane was not constructed for the purposes of a primary haulage route for the quarries operations. However, it can be utilised for local deliveries to and from the South Dubbo Area.*
- *Boundary Road between Wheelers Lane and Macquarie Street cannot be used as a haulage route. Localised deliveries are acceptable. Please note that the Boundary Road neighbourhood shops, South Dubbo Campus and South Dubbo Tavern are located west of the Fitzroy Street Intersection. The storage length between the Boundary Road pedestrian crossing and Fitzroy Street can only accommodate a 12.5m bus. Longer vehicles will be queuing over the crossing placing pedestrians at risk. During school zone periods this area is very heavily trafficked and congested with school buses and private vehicles and should be avoided during the partial school zone time restricted periods, 8.30am to 9.00am and 2.45pm to 3.30pm.*
- *If there is localised delivery for Macquarie Street and the area west of Fitzroy Street, vehicles are to use Wheelers Lane south of Boundary Road and Hennessy Drive to Macquarie Street and Old Dubbo Road. Local deliveries to west Dubbo are to use Sheraton Road and the Mitchell Highway.”*

As per Council's request for further information dated 8 May 2024, the proposal to utilise Sheraton Road as the primary haulage route can be supported subject to the endorsement of a Planning Agreement for maintenance and upgrade works. As detailed below, urban roads contributions are not applicable to this development as such contributions are calculated on a trip generation based on floor area. The proposed development does not propose any built form and as such urban road contributions cannot be levied to offset the impact of the development.

To offset the impact of private development on the public road environment and to ensure public money is not used to offset the impact of private development, Council requested the Applicant enter into a Planning Agreement. The Applicant has submitted a letter of offer which details the following terms:

- Annual Contribution to Road Maintenance
  - Regional Hardrock Pty Limited offers to contribute 10c/t to Dubbo Regional Council for every tonne of concrete or concrete product delivered from the South Keswick Concrete Works over 30,000 tpa.
- Contribution to Sheraton Road Upgrade
  - A total of \$124,000 will be paid to Council for the upgrade of Sheraton Road. Payments will be made in two instalments as follows:
    - 1st instalment: \$44,000 be made within 30 days of the issue of Notice of Determination.
    - 2nd instalment: \$80,000 be made within 12 months of the first payment.

The above value is based on an apportioned cost to upgrade Sheraton Road to a haulage route standard. The apportionment was calculated relative to the type and number of vehicles to use the road annually and based on the number of users of the haulage route.

Sheraton Road will continue to be used as the primary haulage route until the Blueridge Link Road is constructed. Additionally, haulage will continue to be restricted during peak school hours. However, as detailed in the EIS, the restricted time will be extended to 8.00am to 9.30am and 2.30pm to 4.00pm. Signposting will be required to ensure awareness and compliance. A separate report in respect of the draft Planning Agreement is provided for the consideration of Council.

#### *Element 7 Waste Management*

The production of solid waste will not significantly increase from the current amount being generated by the existing development.

No additional water management structure or plans and equipment are proposed as the existing water management system on the site will cater for the increased production.

The operational Water Management Plan details the existing management of waste generated by the production process as follows:

*“All excess water generated during agitator washout, truck wash down, batching and slumping will be captured and reused for production demands. Contaminated catchments (approximately 0.04 ha) are to be sealed and drained to the wedge pit, otherwise referred to as the First Flush Pit (FFP), with a capacity of approximately 60 kilolitres (kL). The FFP will be operated with a minimum freeboard to allow collection of the first 10 mm of runoff from the contaminated catchment (approximately 9 kL). The first flush pit will capture the stormwater runoff with the highest concentrations of fine sediment and high pH generated during the early stages of a storm event. All water captured in the first flush pit will be transferred to one of five above ground Water Storage Tanks for reuse on site or, if surplus to demands, be removed from site by a suitably licensed waste contractor. The total capacity of the above ground Water Storage Tanks, which will operate with rotating paddles to ensure any sediment and cementitious material remains suspended before being returned to the mixing unit for concrete batching, is 70,500 litres (L).*

*During storm events that generate runoff in excess of 10 mm (or greater depending on the available capacity in the FFP), stormwater will bypass the FFP (once the stormwater runoff with the highest concentrations of fine sediment and high pH generated during the early stages of a storm event has been captured) and drain to a Detention (Sediment) Basin (approximate capacity of 900 kL). Stormwater runoff bypassing the FFP to the Detention Basin will contain low concentrations of fine suspended solids and lower pH relative to that captured in the first flush system.*

*The wedge pit will be operated in accordance with the First Flush and Water Management Systems: Guide and Principles produced by Cement Concrete & Aggregates Australia (CCAA) (CCAA, 2013). The pumps from the overflow will be set to auto change over (i.e. FFP to empty tanks) once the plant is turned off for the day.*

*All drainage from the Project Site will be directed to the Detention Basin to allow settling of coarse solids.*

*Where possible, water collected in the Detention Basin will be transferred to the Water Storage Tanks for reuse, however, during high or prolonged rainfall events excess water will discharge from the detention basin via a suitably designed energy dissipation structure and drain via overland flow to Eulomogo Creek.*

*In addition to reuse of captured stormwater, the Project will require a source of water to supply dust suppression sprays and vehicle wash down. Either groundwater sourced from the licensed site bore WAL 42089 with entitlement of 160 unit shares (equivalent to an extraction limit of 160 ML based on a full water.*

*The solids collected in the FFP, i.e. consolidated aggregates, sand, cementitious materials and sediments, will be removed by front-end loader and returned to the batching plant.*

*Concrete agitator trucks returning from the pre-cast concrete products manufacturing facility will be washed out to remove any remaining concrete within the agitator which could otherwise set and impact on the fresh batch of concrete to be added. The water used to washout the trucks will be discharged into one of two washout pits for storage and eventual pumping back to the above ground water tanks. As far as practicable, the washout pits will be used interchangeably with one pumped out with remnant solids removed while the other accepts washout water.”*

It is considered that water and wastewater can be managed appropriately for the development.

*Element 8 Soil and water quality and noise management*

*Noise management*

The proposed development includes an extension to operating hours and haulage hours. The site is located in proximity to sensitive receivers (existing dwellings) as well as approved and proposed residential subdivisions. A Noise Impact Assessment (NIA), prepared by Muller Acoustic Consulting Pty Ltd, was submitted with the Application. The assessment considered:

- Background noise levels of receivers within the area of the development site;
- Operational noise from plant and equipment; and
- Traffic noise along the haulage route.

Council engaged Day Design, Consulting Acoustical Engineers, to undertake a peer review of the submitted NIA which revealed the assessment lacked sufficient information in relation to adequately addressing impacts on receiver ‘R30’ (D16-363 – approved 51 lot residential subdivision, **Figure 2**), further details of plant and equipment used in the operational scenario, and further details on assumptions made to determine the ‘worst case scenario.’

The amended NIA was further reviewed by Day Design. The peer review confirmed that the amended NIA was undertaken in accordance with the required standards, guidelines and policies, the methodology, calculations, and conclusions were deemed acceptable and applicable to the proposed development, and concluded:

*“In conclusion, it is my professional opinion that, in its current form, the acoustic report prepared to support the recently submitted Development Application D2022-528 (DA) to increase the production rate for the South Keswick Concrete Works (the Concrete Works) at 19L-20L Sheraton Road, Dubbo, NSW (the Site), from 30,000 tonnes per annum (tpa) to 250,000 tpa has provided sufficient information to demonstrate that if approved, the development will not cause an adverse impact on adjoining land and the amenity of the neighbourhood.”*

Although the increase in production proposed has been reduced from 250,000tpa to 50,000tpa the above comments remain valid given the hours of operation, maximum number of vehicles, and haulage hours, have not been amended from that originally proposed. This is

to ensure that production can increase based on project basis where production and haulage would be periodically intensified, within approved limits.

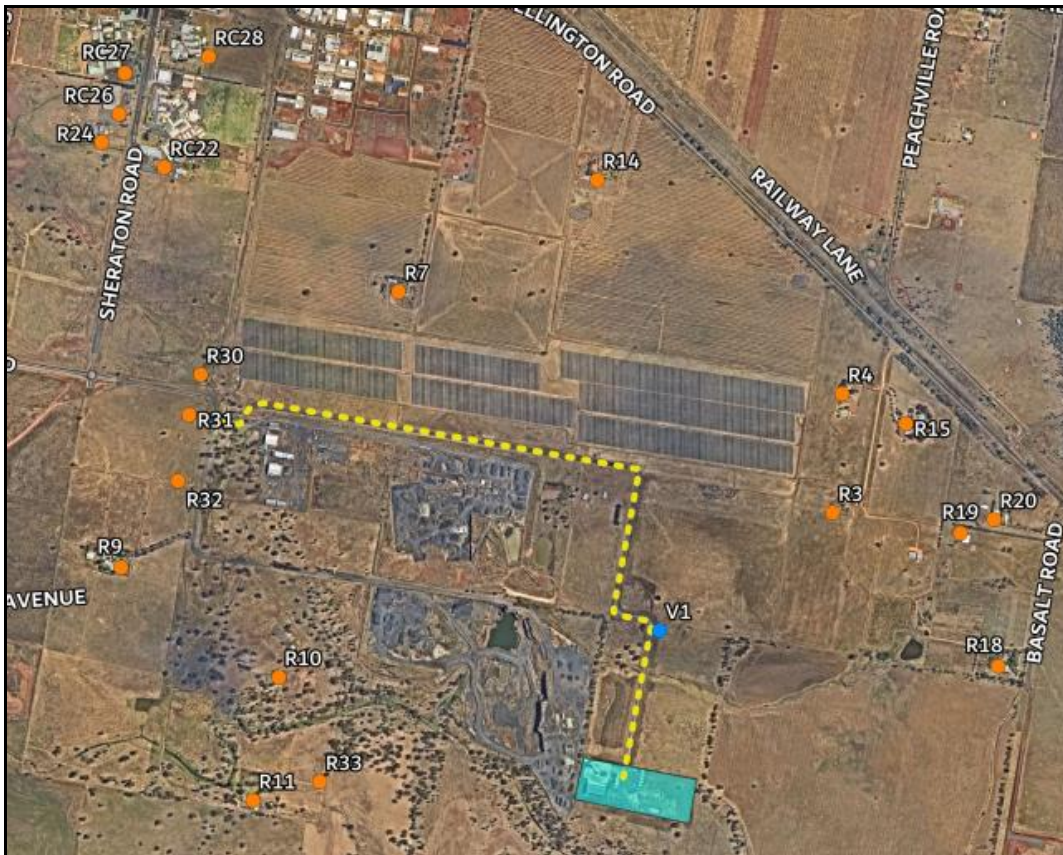


Figure 2: Receiver map provided within the NIA

As detailed above, the Environment Protection Authority (EPA) has issued General Terms of Approval (GTAs). The GTAs address acoustic impacts by restricting the level of noise permitted to reach the sensitive receivers during the day, evening, and night periods, requiring the preparation and implementation of a Noise Management Plan and also requiring the preparation and implementation of a Traffic Noise Management strategy.

(a) Planning Agreements

The proposed Planning Agreement has been previously discussed in the report.

(b) Environmental (natural and built), social and economic impacts

There will be minimal removal of any vegetation and as such negligible impact on the natural or built environment. It is considered that the proposed development will not provide any negative social or economic impacts.

(c) Suitability of the site



*Air Quality*

The prevailing winds in Dubbo (measured at the monitoring site at the Dubbo Regional Airport) are from the south east and east with those from the east significantly stronger.

The NSW Department of Planning, Housing and Infrastructure on its website details standards and goals for air pollutants humans are commonly exposed to including particles as PM<sub>10</sub> and PM<sub>2.5</sub> during a period of one (1) day and one (1) year as follows:

Particles as PM <sub>10</sub>	1 day	50 µg/m <sup>3</sup>
	1 year	25 µg/m <sup>3</sup>
Particles as PM <sub>2.5</sub>	1 day	25 µg/m <sup>3</sup>
	1 year	8 µg/m <sup>3</sup>

The NSW Environment Protection Authority details impact assessment criteria for deposited dust as follows:

		g/m <sup>2</sup> /month <sup>a</sup>	g/m <sup>2</sup> /month <sup>b</sup>
Deposited dust <sup>c</sup>	Annual	2	4

Note: a. maximum increase in deposited dust level  
b. maximum total deposited dust level

The Application includes an air quality assessment that considers existing and future conditions including the cumulative impact of the proposed development along with the existing adjoining quarries of Regional Hardrock and Holcim.

Although monitoring devices are installed on the site, the data required to identify existing conditions was not available due to the time between being installed and the assessment. As such, the submitted Air Quality and Greenhouse Gas Assessment prepared by Zephyr Environmental, dated 29 August 2022 generated a synthetic background data set for the 2021 period for the purposes of establishing annual average and 24-hour average background values for the local setting. The data was considered ambient conditions within Orange, Bathurst, Tamworth and Albury to generate average ambient conditions for rural areas as follows:

- The annual average PM<sub>10</sub> concentration is 12.4 µg/m<sup>3</sup> and annual average PM<sub>2.5</sub> concentration 6.0 µg/m<sup>3</sup>, and

- The maximum PM10 concentration is 29.2 µg/m<sup>3</sup> and the maximum PM2.5 concentration is 16.8 µg/m<sup>3</sup>.

These concentrations are added to the annual average and daily modelling results at each of the sensitive receptors.

Council's Environment and Health assessment provided the following:

*"Dispersion modelling was undertaken using Particulate Matter (PM) emission estimates to predict the air quality impacts for an average daily and maximum daily operations. The results of the dispersion modelling indicate the following.*

- *The predicted annual average PM10 and PM2.5 and dust deposition at the nearest sensitive receivers are all predicted to comply with the NSW EPA air quality criteria.*
- *The cumulative 24-hour assessment showed that there were no sensitive receivers predicted to experience maximum 24-hour cumulative PM10 and PM2.5 concentrations above the NSW EPA air quality criteria.*

*In summary, there were no impacts to surrounding sensitive receivers predicted as a result of the proposed development were modelled.*

*Site inspection revealed water sprinklers are attached above each hopper to mitigate dust being generated during batching as was raised in Council's earlier Environmental and Health Specialist report (D2020-542 part 1). No condition required."*

The General Terms of Approval from the EPA address dust generation and suppression. Additionally, the inception of a stakeholder engagement group will assist in highlighting issues, reviewing complaints and addressing the issues raised.

#### *Hazard and risk*

The proposed development is not considered to be potentially hazardous (as detailed above under SEPP).

To minimise the potential for contamination the following controls, safeguards and management measures for the transport, storage, use and disposal of hazardous materials will continue to be implemented:

- Hydrocarbons and hazardous materials would only be received by licenced suppliers for the transport of dangerous goods in accordance with *Dangerous Goods (Road Transport) Act 2009*;
- All chemical storage facilities, including those for fuels and oils, meet the specifications of *AS 1940 – The storage and handling of flammable and combustible liquids*;

- Bunding used to contain storage of potential pollutants will be constructed of material which is impervious to the material stored and transferred therein. The bunds will be regularly inspected and kept in good condition (e.g. no cracks, gaps or leaks);
- Empty hydrocarbon and chemical containers are to be stored with closures in place on a concrete hardstand or within a bunded area;
- Hydrocarbon waste would be disposed of by a licenced waste contractor to a licenced waste facility;
- Hydrocarbon spill kits would be appropriately located to ensure spill response and clean up can be carried out immediately following the detection of any spills;
- Safety Data Sheets (SDSs) and information relating to the storage, use and handling of chemicals will be maintained at the Quarry office;
- Spills or leaks of pollutants will be handled in accordance with the relevant SDS.

A Pollution Incident Response Management Plan (PIRMP) will be prepared for the Concrete Works and tested annually in accordance with POEO Act requirements.

The subject land is identified as bushfire prone. The proposed development and subject land is limited to heavy industry infrastructure and does not allow for human occupancy.

The development site is not located immediately adjacent to residential areas. As such, there is a low level of risk posed to other buildings and human life. There is suitable access to the site for emergency personnel via the existing access route and water storage services will be available via the onsite water storage tanks. The proposed development is not considered to increase the potential for bushfire events occurring, or the severity of bushfire events within the locality itself.

Implementation of the proposed bushfire protection measures consistent with the aims and objectives of Planning for Bushfire Protection 2019, will appropriately manage bushfire risk. The amended site plan indicates 2 x 150KL water storage tanks dedicated for bushfire protection purposes. Such tanks are located immediately to the east of the site entry/exit point. The tanks have been provided with a booster valve and generator. A condition of consent will require a 'Storz' valve to ensure ease of connection for firefighting purposes.

## **7. Developer Contributions**

### *Urban Roads Contributions*

Urban roads contributions are calculated on a floor area basis. As the proposed development does not include any built infrastructure, urban road contributions are not applicable. However, the impact of the proposed development on Council's road infrastructure has been considered as part of the letter of offer submitted by the Applicant to enter into a Planning Agreement for the maintenance and upgrade of Sheraton Road.

## 8. Consultation

### *Applicant Consultation*

The Applicant confirmed in the submitted documentation that a level of community and stakeholder engagement was undertaken prior to the lodgement of the Development Application.

The EIS states:

*Regional Hardrock prepared a notification letter and distributed to landowners surrounding the Concrete Works / Quarry, key stakeholders on Sheraton Road between the Quarry and Mitchell Highway, as well as residences fronting Boundary Road and Wheelers Lane in May 2022 and an updated version in early September 2022...*

*...No written correspondence was received by Regional Hardrock in response to this notification from local residents or local landholders. Council is also a key stakeholder with the land to the north of the Concrete Works representing a transition zone between residential, commercial, industrial and agricultural land uses and the subject of strategic planning reviews by Council...*

*Following distribution of the letter, Dubbo Christian School provided a written response to Regional Hardrock and Umwelt on 5 May 2022 raising concerns predominately relating to traffic. Subsequently, on 16 May 2022 Regional Hardrock and Umwelt representatives met with key administration staff of the three schools located on Sheraton Road, namely:*

- *St John's Primary School*
- *St John's College, and*
- *Dubbo Christian School.*

A number of concerns in relation to traffic and student safety were highlighted which ultimately resulted in the proposal to alter the primary haulage route to Boundary Road and Wheelers Lane and also an extension to restricted haulage hours within the school precinct hours to be extended to the signposted school zone times being 8.00am to 9.30am and 2.30pm to 4.00pm.

The Applicant also committed to enforce a Driver Code of Conduct to assist in this matter.

Other stakeholders that were engaged and invited to comment on the proposed development included:

- Dubbo Local Aboriginal Lands Council (no feedback provided);

- Government Agency consultation:
  - Department of Planning and Environment (SEARs);
  - Environment Protection Authority;
  - Dubbo Regional Council;
  - Department of Planning and Environment – Water.

*Council Consultation*

In accordance with Council’s Community Participation Plan, the Development Application was advertised and notified to adjoining owners for a period of 28 days ending 13 October 2022. Additionally, in accordance with Section 58 of the Environmental Planning and Assessment Regulations 2021 a notice was displayed on the land.

Council received nine submissions during the notification period. The concerns raised are listed below with a planning comment attached:

Issue raised	Council comment
Proposed haulage route of Boundary Road and Wheelers Lane is not acceptable in relation to heavy vehicle traffic movements within a residential area.	The Application originally sought to use Wheelers Lane as the primary haulage route, the Application now seeks to use Sheraton Road for this purpose with Wheelers Lane being the secondary haulage route and used during signposted school hours and for local deliveries to the area. This will greatly reduce the volume of traffic along Wheelers Lane to that originally proposed.
Proposed haulage route of Boundary Road and Wheelers Lane is not acceptable in relation to noise generation.	Haulage along Boundary Road and Wheelers Lane will only occur during the signposted school hours and for local deliveries to the area. The noise generated by vehicles during day hours has been confirmed as being within an acceptable level.
24 hour operation of the Concrete Works will impact the future expansion of Keswick Estate.	<p>The future expansion of Keswick estate has not been approved. The future Development Application for the estate will need to consider the existing and approved uses/noise generators to ensure appropriate noise attenuation measures are used.</p> <p>As detailed above, the NIA provided recommendations to suitably manage noise impacts which includes providing a barrier around the hopper and agitator bin, construction of an earth mound to 2m in height adjacent to the Site Access Road at the S-bend immediately following site entry.</p>

<p>Impact of heavy vehicles on the road surface of Wheelers Lane.</p>	<p>Sheraton Road is to be used as the primary haulage route. Wheelers Lane shall only be used as a secondary haulage route during the signposted school hours. Traffic volumes and impact on the road pavement are considered acceptable.</p>
<p>Noise generation during 24/6 operating hours impacting neighbouring properties. Council should require the developer to insulate and double glaze the windows (assuming of the objectors home).</p>	<p>Noise study indicates noise levels heard at sensitive receivers will be within the acceptable range. The GTAs issued by the EPA requires noise monitoring to be undertaken on a quarterly basis at the four most effected sensitive receivers. The monitoring must occur during day, evening and night noise to be monitored quarterly and reported to the EPA.</p> <p>Should actual levels be higher than expected the EPA will require the operator to rectify.</p>
<p>The developer should contribute to the maintenance and upgrade of the haulage route.</p>	<p>The proposed Voluntary Planning Agreement will offset the impact of the proposed development on Council's road network relative to the volume and type of vehicles to be used.</p>
<p>Alternative Transport corridor though Blueridge to be utilised.</p>	<p>The Blueridge Link Road is a long term strategy. Once the alternative haulage road is operational the intent is to redirect heavy vehicles from Sheraton Road to the Blueridge Link Road. Until this time, the development will utilise Sheraton Road as the primary haulage route.</p>
<p>Continued use of Sheraton Road needs to be considered as a cumulative impact in addition to the trucks from the MAAS quarry which also use Sheraton Road. If continued the additional movements may conflict with the movements from the existing MAAS and Holcim Quarries and the Holcim continuation project (SSD10417).</p>	<p>The cumulative impact of the proposed development has been considered in relation to traffic volume. Restricted haulage times will minimise the impacts of traffic volume on the Sheraton Road schools precinct and the Sheraton Road/Mitchell Highway intersection during peak periods. The Planning Agreement (and subsequent upgrade of Sheraton Road) will support the existing and proposed development within the quarry/heavy industrial precinct.</p>
<p>Water quality and water management in relation to potential impact to Eulomogo Creek.</p>	<p>As detailed above, water quality management has been addressed appropriately.</p>
<p>Driver code of conduct, complaints management and community consultation, strategies to ensure the public are not</p>	<p>The Applicant has submitted a draft Operational Traffic Management and Driver Code of Conduct which addresses ongoing</p>

confused between individual operators.	stakeholder engagement and complaint management. Additionally, such document states all Redimix vehicles will be branded with appropriate signage accordingly.
Dust generation.	The GTAs issued by the EPA require dust be managed. This will form part of the operator's responsibility to ensure dust is managed appropriately.

The following stakeholders will receive a notification of the determination outcome:

- Submission makers: Dependent upon how the submission was received by Council (email/post) all submission makers will be notified of the determination decision (and provided a copy of the determination).
- External referral agencies: A copy of the consent will be uploaded to the NSW Planning Portal to ensure the external referral agency (Transport for New South Wales) is notified of the determination outcome.
- Concurrence agencies: A copy of the consent will be uploaded to the NSW Planning Portal to ensure the concurrence agency (Environment Protection Authority) is notified of the determination outcome.

#### 9. Public Interest

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

#### APPENDICES:

- 1↓ Conditions and Notations - Concrete Works - 19L-20L Sheraton Road Dubbo
- 2↓ EPA - General Terms of Approval - South Keswick Concrete Works Production Increase Project

### GENERAL CONDITIONS

Condition	
(1)	The development shall be undertaken generally in accordance with the Environmental Impact Statement except where modified by any of the following conditions. {Reason: To ensure that the development is undertaken in accordance with that assessed}
(2)	The Applicant/Proponent shall comply with the 'General Terms of Approval', Notice No. 1625137, dated 19 January 2024 from the Environment Protection Authority (copy attached). {Reason: To ensure compliance with the requirements of the Integrated Authority}
(3)	Where an inconsistency between a consent condition imposed under D20-542 and the subject consent is found, the condition imposed under D22-528 shall prevail. {Reason: To ensure the development operates in accordance with the most recent approval}
(4)	Production associated with the approved concrete works shall be restricted to 50,000 tonnes annually. This figure includes both concrete products manufactured on site, and batched concrete. {Reason: To ensure the development is carried out in manner consistent with the proposal}

### PRIOR TO OPERATION COMMENCING

Condition	
(1)	Prior to the increase in production of the concrete works commencing, an Operational Traffic Management Plan (OTMP) (consistent with the draft OTMP) and Code of Conduct for the transportation of materials and products on public roads shall be submitted to and approved by Council's Infrastructure Division. The Code of Conduct shall incorporate the following matters: <ul style="list-style-type: none"> <li>• Details of transportation hours and vehicle types;</li> <li>• Procedure for the transport of hazardous materials; and</li> <li>• Requirement for drivers to operate vehicles in a safe, professional and courteous manner.</li> </ul> The Code of Conduct as approved shall be implemented for the life of the development. {Reason: To ensure appropriate traffic control measures are implemented}
(2)	A Storz outlet and valve shall be provided at the bottom of the water tanks located at the entry to the concrete works compound to permit drafting connection by fire-fighting units. In this regard a 65 mm Storz outlet with gate or ball valve and blanking cap should be provided. {Reason: Water supply for fire-fighting purposes}
(3)	The Applicant shall enter into a Planning Agreement with Dubbo Regional Council, consistent with the Letter of Offer to enter negotiations dated 28 October 2024 from Regional Hardrock Pty Ltd. {Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}



**ONGOING USE**

Condition	
(1)	<p>No vehicles larger than a 'Semi Trailer' 19.0 m in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal except the delivery of cement/fly ash delivery truck, chemical admixtures delivery truck.</p> <p>Note: An application to be made to Council's Senior Traffic &amp; Transport Engineer for approval of B-double delivery including the upgrade of the existing vehicular access off Sheraton Road. {Reason: To restrict access to appropriately sized vehicles}</p>
(2)	<p>All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted. {Reason: To provide safety for the travelling public}</p>
(3)	<p>All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. {Reason: To not create adverse traffic conditions}</p>
(4)	<p>All lighting on the site must emit light in a downward direction and not cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity or surrounding area by light overspill. The emission of lighting shall not exceed 1,000,000 lumens and must comply with the Australian Standard AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting. {Reason: To limit light pollution to neighbouring property and for the preservation of the 'Dark Skies' region surrounding the Siding Spring Observatory}</p>
(5)	<p>Chemicals required for the operation of the concrete works shall be stored in suitable containers which are located within a sealed, bunded and roofed area. This bunded area must be capable of containing 25% of the total volume stored plus the volume of the largest container.</p> <p>Note: Recycling of the containers with an approved contractor should be considered. {Reason: To prevent the pollution of the environment}</p>
(6)	<p>Any re-fuelling on site is to occur within a bunded area. Any fuel spills are to be managed in accordance with the Australian Standards and in compliance with State Environmental Planning Policy (Resilience and Hazards) 2021. {Reason: To prevent the contamination of the environment}</p>
(7)	<p>Sheraton Road will remain as the primary haulage route for the concrete works development proposed at 20L Sheraton Road, until an alternative haulage route has been determined by Council and constructed.</p> <p>Truck access to and from the concrete works is prohibited on Sheraton Road between the Mitchell Highway and Boundary Road during the 40kmph school zone time periods between 8.00am to 9.30am and 2.00pm to 4.00pm on gazetted school days. During the 40kmph school zone time periods between 8.00am to 9.30am and 2.00pm to 4.00pm</p>

concrete work trucks will be permitted to use Wheelers Lane between the Mitchell Highway and Boundary Road and Boundary Road between Wheelers Lane and the concrete works, until such a time that an alternative haulage route has been determined and constructed by Council.

**Note:** A "No Trucks" restriction during the 40kmph school zone time periods between 8.00am to 9.30am and 2.00pm to 4.00pm on gazetted school days is to be signposted on Sheraton Road between the Mitchell Highway and Boundary Road within 3 months of the date of determination.

{Reason: To preserve the school road safety environment and minimise the impact on the structural integrity of councils road assets}

- (8) The operation of the premises must be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997* (PEO Act 1997).

{Reason: To ensure the development does not pollute natural water courses}

- (9) The Applicant shall notify Council and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the facility immediately after the Applicant becomes aware of the incident. Within seven (7) days of the date of this incident, the Proponent shall provide Council, the EPA and any other relevant agencies with a detailed report on the incident.

{Reason: Legislative requirement to ensure compliance with Protection of the Environment Operations Act.}

- (10) The development shall be operated in accordance with the recommendations as detailed in Chapter 8 of the Noise Impact Assessment dated 18 January 2024.

Any physical works required to address the conclusions of the report (i.e.: barrier around hopper and agitator bin, and earth mound) shall be completed prior to the increase in production of concrete over 30,000tpa.

{Reason: To ensure the development is operated in manner than does not adversely impact neighbouring properties in relation to noise generation}

## NOTES

- (1) The activity must not be carried out in an environmentally unsatisfactory manner where:
- It contravenes, or is likely to contravene the *Protection of the Environment Operations Act 1997*, or
  - It causes, or is likely to cause a pollution incident, or
  - It prevents to control or minimise pollution, or the emission of any noise or the generation of waste, or
  - It is not carried on in accordance with good environmental practice.
- (2) Water sampling results of any surface water discharges, the effectiveness of the water management system and surface water flows and quality in local watercourses are to be made available to Council upon request.

Protection of the Environment Operations Act 1997

## **General Terms of Approval - Issued**

Notice No: 1625137



The General Manager  
Dubbo Regional Council

Attention: Tracie Smart

Notice Number 1625137  
Date 19-Jan-2024

### **Re: Development Application D2022-528 / Case Ref A-65280 – Industrial Development South Keswick Concrete Works Production Increase Project**

#### **Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

This letter refers to the DA No. D2022-528 / Case Reference A-65280 (the proposal) and the accompanying information received by the Environment Protection Authority (the EPA) on 19 September 2022, seeking to increasing production and operations on Lot 211 and DP 1220433 at the active South Keswick Concrete Works 20L Sheraton Road, Dubbo NSW, 2830 (the premises) previously approved under D2020/542 on Feb 8<sup>th</sup>, 2021.

The EPA reviewed the following documents and determined that it is able to issue an Environmental Protection Licence (EPL) for the proposal, subject to a number of conditions. Therefore, the applicant will need to make a separate application to the EPA to obtain the EPL.

- Umwelt (Australia) Pty Limited's final Environmental Impact Statement (EIS) and Appendices for the South Keswick Concrete Works Production Increase Project dated September 2022.
- Updated Noise Impact Assessment (NIA) (MAC201127-02RP1V4) for South Keswick Concrete Batch Plant (Attachment 4) prepared for Muller Acoustic Consulting Pty Ltd on behalf of Regional Hardrock Pty Ltd, April 2023, and its amendment MAC20112702RP1V7 dated October 2023.

In assessing the proposal, the EPA has identified a number of environmental issues that DRC may wish to consider in its overall assessment of the application. These issues are considered in Attachment A including;

1. The potential impacts on the approved residential subdivision (*D16-363; residents R30, R31, R32*). To address these concerns and mitigate future impacts, the EPA has considered to include a comprehensive Noise Management Plan and Traffic Noise Management Strategy in the Attachment A.

Protection of the Environment Operations Act 1997

## **General Terms of Approval - Issued**

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Notice No: 1625137

The General Terms of Approval (GTAs) for this proposal are provided at Attachment A. Attachment B lists mandatory conditions for all EPA licences. Should DRC grants Development Consent for this proposal these conditions should be incorporated into the consent.

These GTAs relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions or wish to discuss this matter further, please contact Abner Vega on 02 6881 4656 or via email at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au).

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'S. Lund', is positioned above the typed name.

.....  
**Simon Lund**  
**A/Unit Head**  
**Environment Protection Authority**  
(by Delegation)

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1625137

### Attachment A – EPA’s recommended General Terms of Approval South Keswick Concrete Works Production Increase

#### A1. Information supplied to the EPA

A1.1 Except as expressly provided by these General Terms of Approval, works and activities must be carried out in accordance with the proposal contained in:

- The Development Application D2022 - 528 submitted to DRC on 09 September 2022;
- South Keswick Concrete Works Production Increase Project Environmental Impact Assessment, prepared by Umwelt September 2022; and
- All additional documents supplied to the EPA in relation to the development, including
  - Letter Response and its attachments dated 02 May 2023, provided to the EPA on 09 May 2023 in response to the EPA’s request Letter DOC22/821226-4 dated 13 December 2022.
  - Letter Response and its attachments dated Oct 12<sup>th</sup>, provided to the EPA in response to the EPA’s request Letter DOC22/821226-12 dated Sept 07<sup>th</sup> 2023.

#### A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

#### Limit conditions

##### L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

##### L2. Concentration limits

L2.1 The EPA will determine discharge limits following submission of the report required by Condition L2.2

L2.2 Before increasing production and operations at the proposed facility, the proponent must provide a report to the EPA at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) which:

- a) identifies, for each pollutant which may be discharged from the premises' sediment basins, the concentration that will maintain or restore the environmental values of receiving waters including volume and mass limits, in accordance with the NSW Water Quality Objectives and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCAN Z, 2000).

Protection of the Environment Operations Act 1997

# General Terms of Approval - Issued



Notice No: 1625137

- b) identifies all practicable measures that can be used to maintain or restore the environmental values of receiving waters;
- c) and nominates discharge quality limits based on the outcomes of points a and b above.

### L3. Waste

**L3.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L3.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

*Note: Condition L3.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).*

### L4. Noise limits

**L4.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated in Table 4; 8 and Figure 4 of the *Noise Impact Assessment South Keswick Concrete Works* by Muller Acoustic Consulting ref: MAC201127-02RP1V7, dated 12 October 2023.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>AFmax</sub>
R3, 4R Lidscomb Road, Dubbo (Lot 32, DP 247415)	40	35	35	52
R7, 10R Wellington Road, Dubbo (Lot 12, DP 1293863)	40	35	35	52
R10, 26R Sheraton Road, Dubbo (Lot 221, DP 1247780)	40	35	35	52
R33, 25R Sheraton Road, Dubbo (Lot 159, DP 754331)	40	35	35	52

**L4.2** For the purposes of condition **L4.1**:

- a) Day means the period from 7:00 am to 6:00 pm Monday to Saturday and the period from 8:00 am to 6:00 pm Sunday and public holidays.
- b) Evening means the period from 6:00 pm to 10:00 pm.

Protection of the Environment Operations Act 1997

# General Terms of Approval - Issued



Notice No: 1625137

- c) Night means the period from 10:00 pm to 7:00 am Monday to Saturday and the period from 10:00 pm to 8:00 am Sunday and public holidays.

### L4.3 Meteorological Conditions

- a) The noise limits set out in condition **L4.1** apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level
Evening	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition **L4.3** (a), the noise limits that apply are the noise limits in condition **L4.1** plus 5dB.

### L4.4 For the purposes of condition **L4.3**:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Dubbo Airport.
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):
- i. Use of sigma-theta data (section D1.4)

### L4.5 To assess compliance:

- a) with the  $L_{Aeq}$  (15 minutes) or the  $L_{Amax}$  noise limits in condition **L4.1** and **L4.3**, the noise measurement equipment must be located:
- i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - iv. at any other location identified in condition **L4.1**
- b) with the  $L_{Aeq}$ (15 minutes) or the  $L_{Amax}$  noise limits in condition **L4.1** and **L4.3**, the noise measurement equipment must be located:

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1625137

- i. at the reasonably most affected point at a location where there is no residence at the location; or,
- ii. at the reasonably most affected point within an area at a location prescribed by condition **L4.5** (a).

**L4.6** A non-compliance of conditions **L4.1** and **L4.3** will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition **L4.5** (a) or **L4.5** (b).

**NOTE to L4.5 and L4.6:** *The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.*

**L4.7** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L4.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

### **Noise Management Plan**

**L4.9** The proponent must prepare and implement a Noise Management Plan that covers all premises-based activities and transport operations. The plan must include but need not be limited to:

- a) all measures necessary to satisfy the limits in Table **L4.1** at all times,
- b) a system that allows for periodic assessment of Best Management Practices (BMP) and Best Available Technology Economically Achievable (BATEA) that has potential to minimise noise levels from the facility,
- c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
- d) Measures to monitor noise performance and respond to complaints,
- e) Measures for community consultation including site contact details,
- f) Noise monitoring and reporting procedures.

### **Traffic Noise Management Strategy (TNMS)**

**L4.10** The proponent must prepare and implement a TNMS, prior to increasing production and operations at the proposed facility to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:

- a) driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- b) best noise practice in the selection and maintenance of vehicle fleets,
- c) movement scheduling where practicable to reduce impacts during sensitive times of the day,
- d) communication and management strategies for non-licensee / proponent owned and operated vehicles to ensure the provision of the TNMS are implemented,
- e) a system of audited management practices that identifies non conformances, initiates, and monitors corrective and preventative action (including disciplinary action for breaches of noise minimization procedures) and assesses the implementation and improvement of the TNMS,

Page 6



Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1625137

- f) specific procedures for drivers to minimize impacts at identified sensitive receivers,
- g) clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimization procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

### **Hours of operation**

**L4.11** Unless permitted by another condition of this licence, concrete batching and pre-cast concrete works are permitted to be undertaken 24 hours a day (Monday 5:00 am to Saturday 5:00 pm). No activity at the premises may be carried out during Sundays and public holidays.

**L4.12** Truck movements to and from the site must only be conducted between (Monday 4:00 am to Friday 10:00 pm) and Saturdays between (4:00 am to 6:00 pm). No truck movements on Sundays and public holidays.

**L4.13** This condition does not apply to the delivery of material outside the hours of operation permitted by condition **L4.11** or **L4.12** if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L4.14** The hours of operation specified in conditions **L4.11** and **L4.12** may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

### **Operating conditions**

*Note: Condition O1 and O2 are mandatory on all environment protection licences and are included in Attachment B*

### **O3. Odour**

**O3.1** No condition of this approval identified a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

*Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.*

### **O4. Dust**

**O4.1** All activities occurring at the premises must be carried out in a manner that will minimise the generation and prevent the emissions of dust from the premises, as much as is reasonably practicable.

**O4.2** Trucks entering and leaving the premises that are carrying loads must be always covered, except during loading and unloading.

### **O5. Stormwater/sediment control - Construction of the Product Storage Area**

Page 7

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1625137

**O5.1** An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction Vol. 1 - 4th eds, (Landcom, 2024)*.

### **Monitoring and recording conditions**

#### **M1 Monitoring records.**

**M1.1** The results of any monitoring required to be conducted by the EPA's GTAs, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions **M1.2** and **M1.3**.

**M1.2** All records required to be kept by the licence must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected for the purposes of this terms:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

#### **M2. Testing methods - concentration limits**

**M2.1** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M3** must be done in accordance with: the Approved Methods Publication; or if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

#### **Note: Testing methods - load limit**

Clause 17(1) and (2) of the Protection of the Environment Operations (General) Regulation 1998 requires that monitoring of actual loads of assessable pollutants listed in **L2.1** must be carried out in accordance with the testing method set out in the relevant load calculation protocol for the fee-based activity classification.

#### **M3. Requirement to monitor volume or mass**

*Note: The requirement to monitor volume or mass will be included in the EPL following submission of the report required by condition **L2.2**.*

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1625137

### **M4. Requirement to Monitor Noise**

**M4.1** Attended noise monitoring must be undertaken in accordance with Condition **L4.5** and must:

- a) occur at each location specified in Condition **L4.1**;
- b) occur quarterly in a reporting period;
- c) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
  - i. 1.5 hours during the day
  - ii. 30 minutes during the evening; and
  - iii. 1 hour during the night

*Note: The frequency in this condition can be varied once noise limits specified in Condition **L4.1** are verified.*

**M4.2** Subject to any express provision to the contrary in these GTAs, measurement and analysis of noise required by this terms must be done in accordance with the *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW*.

### **Reporting conditions**

*Note: Conditions R1, R2 and R3 are mandatory on all environment protection licences and are included in Attachment B*

### **R4. Noise Monitoring Report**

**R4.1A** noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the quarterly monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition **L6.1** and **L6.3**; and
- b) an outline of any management actions taken within the monitoring period to address any exceedance of the limits contained in Condition **L6.1** and **L6.3**.

Protection of the Environment Operations Act 1997

## **General Terms of Approval - Issued**

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Notice No: 1625137

### **Attachment B – Mandatory Conditions for all EPA licences**

#### **Administrative conditions**

#### **Operating conditions**

##### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner. This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

##### **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity: must be maintained in a proper and efficient condition; and must be operated in a proper and efficient manner.

#### **Monitoring and recording conditions**

##### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see them.

##### **Telephone complaints line**

Page 10

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1625137

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

### Reporting conditions

#### Annual Return documents

##### *What documents must an Annual Return contain?*

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a) Statement of Compliance; and
- b) Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

##### *Period covered by Annual Return*

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1625137

### ***Deadline for Annual Return***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

### ***Notification where actual load can not be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify:

- a) the assessable pollutants for which the actual load could not be calculated; and
- b) the relevant circumstances that were beyond the control of the licensee.

### ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### ***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

Protection of the Environment Operations Act 1997

## **General Terms of Approval - Issued**



Notice No: 1625137

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **General conditions**

### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



## REPORT: Draft Planning Agreement VPA24-001 - Concrete Works - 19L and 20L Sheraton Road Dubbo

**DIVISION:** Development and Environment  
**REPORT DATE:** 6 January 2025  
**TRIM REFERENCE:** ID24/2166

### EXECUTIVE SUMMARY

<b>Purpose</b>	<ul style="list-style-type: none"> <li>Seek endorsement</li> <li>Fulfil legislative requirement</li> </ul>	
<b>Issue</b>	<ul style="list-style-type: none"> <li>Council has received an offer from Regional Hardrock Pty Ltd to enter into a Planning Agreement. The Planning Agreement is associated with Development Application D22-528, which is to be considered by Council at the 21 January 2025 Extraordinary meeting. The Application seeks consent to extend the production rate of the existing concrete works, approved under D20-542, at 19L and 20L Sheraton Road Dubbo from 150 tonnes per day or 30,000 tonnes per annum to 50,000 tonnes per annum.</li> <li>The Planning Agreement would require the Applicant to pay 10 cents per tonne of concrete transported offsite in excess of 30,000 tonnes per annum, for the heavy patching and road rehabilitation of Sheraton Road. The Applicant would also be required to pay a total of \$124,000 for the upgrade of Sheraton Road to a haulage route standard.</li> <li>A draft Planning Agreement is required to be placed on public exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Act, 1979.</li> </ul>	
<b>Reasoning</b>	<ul style="list-style-type: none"> <li>Part 7.1 of the Environmental Planning and Assessment Act, 1979 and associated Regulations.</li> </ul>	
<b>Financial Implications</b>	Budget Area	Growth Planning Branch
	Funding Source	Council would receive up to \$2,000 per annum for maintenance of Sheraton Road. Council will receive \$124,000 within 14 months of the date of determination of D22-528.
<b>Policy Implications</b>	Policy Title	There are no policy implications arising from this report.

### STRATEGIC DIRECTION

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

Theme: 2 Infrastructure



CSP Objective:	2.1 The road transportation network is safe, convenient and efficient
Delivery Program Strategy:	2.1.2 The road network meets the needs of the community in terms of traffic capacity, functionality and economic and social connectivity
Theme:	4 Leadership
CSP Objective:	4.1 Council provides transparent, fair and accountable leadership and governance
Delivery Program Strategy:	4.1.1 Council encourages and facilitates two-way communication with and between stakeholders and the community

### RECOMMENDATION

- 1. That a draft Planning Agreement be prepared in accordance with the updated terms identified in this report and the letter of offer provided by Regional Hardrock Pty Ltd (attached in Appendix 1).**
- 2. That a further report be presented to Council for consideration if a Planning Agreement cannot be successfully negotiated.**
- 3. That a draft Planning Agreement and Explanatory Note prepared in accordance with the terms identified in this report be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979.**
- 4. That following the conclusion of the public exhibition period, a further report be presented to Council for consideration, including any submissions received.**

*Steven Jennings*  
Director Development and Environment

*TS*  
Team Leader Growth  
Planning Projects

## BACKGROUND

### 1. Previous Resolutions of Council

24 April 2024 CCL24/81	<i>In part</i> 1. That a draft Planning Agreement be prepared in accordance with the terms identified in this report and the letter of offer provided by Regional Hardrock Pty Ltd (attached in Appendix 1). ...
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This report provides consideration to an updated letter of offer for the Planning Agreement that was previously considered by Council at the Ordinary Meeting on 24 April 2024. This Planning Agreement would result in the Applicant paying 10 cents per tonne of concrete and concrete products dispatched from the site exceeding 30,000 tonnes per annum for the ongoing maintenance of Sheraton Road.

### 2. What is a Planning Agreement?

A Planning Agreement is an agreement entered into between Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, or provide monetary contributions or any other material public benefit, for a public purpose. In accordance with Part 7, Division 7.1 of the Environmental Planning and Assessment Act, 1979 (EP&A Act), a public purpose includes any of the following:

- The provision of public amenities or services;
- The provision of affordable housing;
- The provision of transport or other infrastructure relating to land;
- The funding or recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development;
- The conservation or enhancement of the natural environment.

### 3. Development Application D20-542: Concrete Works

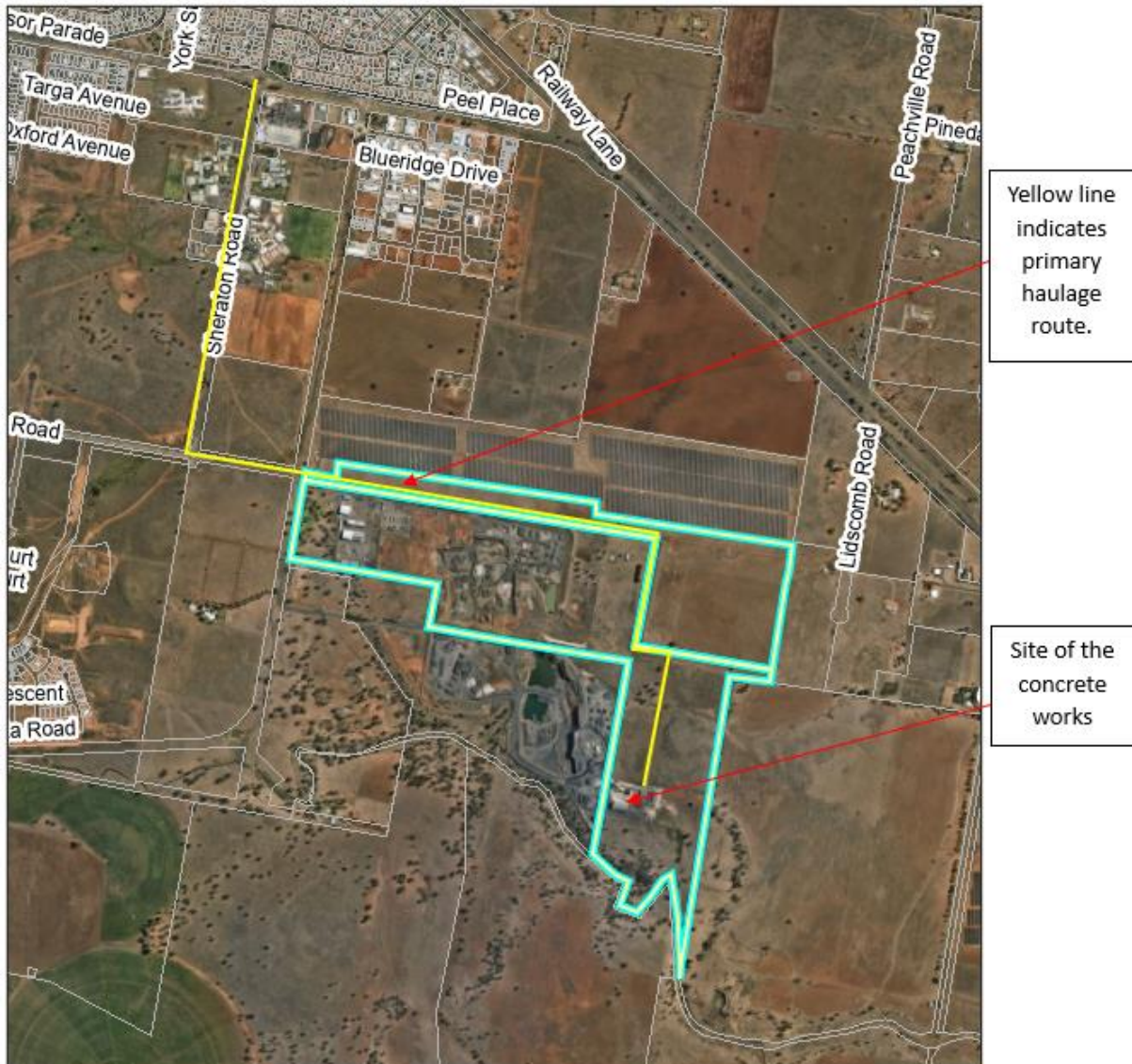
Council on 8 February 2021 approved Development Application D20-542 for concrete works at 19L and 20L Sheraton Road Dubbo. The Application granted consent for the production of up to 150 tonnes per day/30,000 tonnes per annum of concrete.

## REPORT

### 1. Development Application D22-528: Concrete Works (increase production of existing concrete works)

A report in respect of Development Application D22-528 is being presented to Council at the January 2025 Extraordinary meeting.

This Application seeks approval to increase the maximum production rate of the existing concrete works at 19L and 20L Sheraton Road Dubbo, from 150 tonnes per day/30,000 tonnes per annum to 50,000 tonnes per annum. The Applicant is also seeking approval as part of this Application for the use of Sheraton Road as a primary haulage route. The proposed development and haulage route is identified in **Figure 1**.



**Figure 1:** Site location and proposed primary haulage route.

## 2. Planning Agreement

Following Council's consideration of the initial request to enter into a Planning Agreement, an amended request has been received from Regional Hardrock Pty Ltd (attached in **Appendix 1**). As the demand on Council infrastructure relating to the production of up to 30,000 tonnes of concrete per annum will be satisfied under Development Application D20-542, the Planning Agreement will apply to the additional production rate of 20,000 tonnes per annum.

As part of the assessment process for D22-528, staff met with the Applicant to discuss issues in respect of Sheraton Road being able to cater for the increase in traffic volumes from the proposed development.

As such, a further Planning Agreement sought for the upgrade of Sheraton Road was requested by Council (in addition to the Planning Agreement for maintenance). The Applicant lodged an updated Letter of Offer dated 28 October 2024 seeking to enter into a Planning Agreement to contribute not only to the cost of the maintenance of Sheraton Road (still offering the 10 cents per tonne contribution) but also its upgrade. Although this differs from Council's resolution at the April 2024 Ordinary Meeting, it is considered that this approach will reduce confusion that may otherwise occur should two Planning Agreements relate to the same development.

It should be noted that the proposed development under D22-528 has been amended since the previous resolution of Council. The Application sought an increase in production of concrete and concrete products to 250,000 tonnes per annum. However, the amended Application has sought consent for an increase in production of 50,000 tonnes per annum only. As such, the expected funding figures are significantly different (from up to \$22,000 per annum for maintenance to up to \$2,000 per annum for maintenance).

The terms of the offer from Regional Hardrock Pty Ltd are to pay to Council the following:

- 10 cents per tonne of concrete - both batched and concrete products dispatched from the concrete works for production exceeding 30,000 tonnes per annum.
- A total of \$124,000 for the upgrade of Sheraton Road to a haulage route standard.

Subject to approval of the Development Application, this could be equivalent to:

#### Maintenance of Sheraton Road

- Contribution per annum: Up to \$2,000
- Timing of payment: Annually, with the determination date of the development consent being the anniversary date and payment made within 30 days of the anniversary date. The value paid will be based on the amount of concrete over the previous 12 months.
- Length of agreement: For the life of the development.

#### Upgrade of Sheraton Road

- Contribution: \$124,000
- Timing of payment: payments will be made in two instalments as follows:
  - 1st payment: \$44,000 be made within 30 days of the issue of development consent of D22-528.
  - 2nd instalment: \$80,000 be made within 12 months of the first payment.

The contribution stated above for the upgrade of Sheraton Road is based on the total number and type of vehicles from the existing and proposed development within the quarry and heavy industrial precinct that use Sheraton Road. This is apportioned to each user.

The Sheraton Road upgrade cost is estimated at \$6.2 million with the number and type of vehicles proposed as part of D22-528 contributing to a 2% apportionment on the impact on the road. This equates to the \$124,000 contribution.

The funds collected as part of the Planning Agreement will assist in funding the heavy patching and maintenance requirements of Sheraton Road as well as the upgrade of the road to support its use as a haulage route.

### **3. Consultation**

Following Council's consideration, a draft Planning Agreement and Explanatory Note will be prepared and placed on public exhibition for a minimum of 28 days in accordance with the Environmental Planning and Assessment Act, 1979. A notice will be placed on Council's website, in Customer Experience Centres, and the Daily Liberal newspaper. Letters will also be sent to adjoining landowners.

Following completion of the public exhibition period, a further report will be presented to Council for consideration, including any submissions received.

### **4. Timeframe**

The below estimated timeline provides a mechanism to monitor and resource the various steps required to progress the draft Planning Agreement:

<b>Key Date</b>	<b>Explanation</b>
21 January 2025	Consideration by Council
February 2025	Preparation of Planning Agreement and Explanatory Note
March 2025	Public exhibition period
April 2025	Consideration of submissions
May 2025	Consideration by Council

### **5. Resourcing Implications**

It should be noted that a separate Planning Agreement entered into by Holcim (Australia) Pty Ltd will also contribute to the cost of upgrading Sheraton Road.

#### **APPENDICES:**

[1](#) Letter of Offer - Concrete Works - 19L-20L Sheraton Road Dubbo



28 October 2024  
Stephen Wallace  
Director Development and Environment  
Dubbo Regional Council

Dear Stephen,

**Re: Offer of Contribution – D2022-528**

The following represents an offer by Regional Hardrock Pty Limited to Dubbo Regional Council to enter into a Planning Agreement to contribute to the upgrade of Sheraton Road.

1. Annual Contribution to Road Maintenance
  - 1.1. Regional Hardrock Pty Limited offers to contribute 10c/t to Dubbo Regional Council for every tonne of concrete or concrete product delivered from the South Keswick Concrete Works over 30,000 tpa.
  - 1.2. Commencement of the new development consent will trigger the anniversary date that will be paid on an annual basis within 30 days of this anniversary date.
  - 1.3. Regional Hardrock will seek assurance in the Planning Agreement that this contribution will be for use in the maintenance of Sheraton Road only.
2. Contribution to Sheraton Road Upgrade
  - 2.1. A total of \$124,000 will be paid to Council for the upgrade of Sheraton Road.
  - 2.2. Payments will be made in two instalments as follows:
    - 2.2.1. 1<sup>st</sup> instalment: \$44,000 be made within 30 days of the issue of notice of determination.
    - 2.2.2. 2<sup>nd</sup> instalment: \$80,000 be made within 12 months of the first payment.
  - 2.3. Regional Hardrock will seek assurance in the Planning Agreement that this contribution will be for use in Sheraton Road upgrade works only.
  - 2.4. In the event that Sheraton Road upgrade works are completed prior to initiation or completion of this contribution, Regional Hardrock will seek assurance in the Planning Agreement that Dubbo Regional Council will consult and confirm with Regional Hardrock on the distribution of this contribution

If the terms of contribution nominated above are generally acceptable to Council, Regional Hardrock will prepare a draft Planning Agreement for consideration and exhibition.

If there are elements of this Planning Agreement you wish to discuss, please do not hesitate to contact me.

Regards,

  
**Steve Guy**  
General Manager Projects & Planning  
Maas Group Holdings  
Ph: 0428 298 916  
Email: SteveGuy@maasgroup.com.au

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