



AGENDA

ORDINARY COUNCIL MEETING

27 JULY 2023

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

The meeting is scheduled to commence at 5.30pm.

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

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CCL23/176 LEAVE OF ABSENCE (ID23/1096)

CCL23/177 CONFLICTS OF INTEREST (ID23/1091)

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.

CCL23/178 PUBLIC FORUM (ID23/1086)

CCL23/179 CONFIRMATION OF MINUTES (ID23/1101)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 22 June 2023 and the Extraordinary Council meeting held on 30 June 2023.

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INFORMATION ONLY MATTERS:

- CCL23/180 MAYORAL APPOINTMENTS AND MEETINGS (ID23/1782) 8**
The Council had before it the report dated 14 July 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.
- CCL23/181 STATUS OF NOTICES OF MOTION - QUARTERLY UPDATE (ID23/1188) 15**
The Council had before it the report dated 23 May 2023 from the Manager Corporate Governance regarding Status of Notices of Motion - Quarterly Update.
- CCL23/182 QUARTERLY REPORT ON COMPLAINT STATISTICS UNDER COUNCIL'S CODE OF CONDUCT (ID23/1189) 18**
The Council had before it the report dated 23 May 2023 from the Manager Corporate Governance regarding Quarterly Report on Complaint Statistics Under Council's Code of Conduct.

MATTERS CONSIDERED BY COMMITTEES:

- CCL23/183 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 13 JULY 2023 (ID23/1804) 21**
The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 13 July 2023.
- CCL23/184 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 13 JULY 2023 (ID23/1805) 25**
The Council had before it the report of the Culture and Community Committee meeting held 13 July 2023.
- CCL23/185 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 13 JULY 2023 (ID23/1806) 30**
The Council had before it the report of the Corporate Services Committee meeting held 13 July 2023.

NOTICES OF MOTION:

- CCL23/186 NOTICE OF MOTION FOR EXISTING AND FUTURE REST AREA FOR FREIGHT TRAFFIC (ID23/1814)** 40
- Council had before it a Notice of Motion dated 20 July 2023 from Councillor S Chowdhury regarding the Notice of Motion for Existing and Future Rest Area for Freight Traffic.

REPORTS FROM STAFF:

- CCL23/187 MATTERS FOR CONSIDERATION AROUND PROVISION OF LAND TO NSW HEALTH FOR THE PURPOSES OF AN ALCOHOL AND OTHER DRUG REHABILITATION FACILITY (ID23/1608)** 41
- The Council had before it the report dated 27 June 2023 from the Chief Executive Officer regarding Matters for Consideration Around Provision of Land to NSW Health for the Purposes of an Alcohol and Other Drug Rehabilitation Facility.
- CCL23/188 COALITION OF REGIONAL ENERGY MAYORS (COREM) (ID23/1808)** 66
- The Council had before it the report dated 19 July 2023 from the Chief Executive Officer regarding Coalition of Regional Energy Mayors (CoREM).
- CCL23/189 DRAFT BINDARI ESTATE DEVELOPMENT CONTROL PLAN - RESULTS OF PUBLIC EXHIBITION (ID23/1199)** 70
- The Council had before it the report dated 12 July 2023 from the Team Leader Growth Planning Projects regarding Draft Bindari Estate Development Control Plan - Results of Public Exhibition.
- CCL23/190 DRAFT NET ZERO FRAMEWORK FOR COUNCIL OPERATIONS (ID23/1566)** 77
- The Council had before it the report dated 11 July 2023 from the Manager Resource Recovery and Efficiency regarding Draft Net Zero Framework for Council Operations.
- CCL23/191 DRAFT JOIRA ROAD PLANNING AGREEMENT - RESULTS OF PUBLIC EXHIBITION (ID23/1712)** 87
- The Council had before it the report dated 12 July 2023 from the Development Contributions Planner regarding Draft Joira Road Planning Agreement - Results of Public Exhibition.

- CCL23/192 PLANNING PROPOSAL R23-005 - ADMINISTRATIVE AMENDMENTS TO THE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2022 (ID23/1619)** 93
- The Council had before it the report dated 18 July 2023 from the Graduate Growth Planner regarding Planning Proposal R23-005 - Administrative Amendments to the Dubbo Regional Local Environmental Plan 2022.
- CCL23/193 AMENDMENTS TO THE KINTYRE HEIGHTS ESTATE DEVELOPMENT CONTROL PLAN - RESULTS OF PUBLIC EXHIBITION (ID23/1637)** 99
- The Council had before it the report dated 10 July 2023 from the Graduate Growth Planner regarding Amendments to the Kintyre Heights Estate Development Control Plan - Results of Public Exhibition.
- CCL23/194 DUBBO REGIONAL COUNCIL REPRESENTATION TO THE TARONGA CONSERVATION SOCIETY AUSTRALIA BOARD (ID23/1815)** 104
- The Council had before it the report dated 20 July 2023 from the Director Organisational Performance regarding Dubbo Regional Council Representation to the Taronga Conservation Society Australia Board.
- CCL23/195 DRAFT CODE OF CONDUCT POLICY AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT (ID23/1713)** 108
- The Council had before it the report dated 5 July 2023 from the Manager Corporate Governance regarding Draft Code of Conduct Policy and Procedures for the Administration of the Code of Conduct.
- CCL23/196 DRAFT COUNCIL POLICY - CODE OF MEETING PRACTICE (ID23/1780)** 112
- The Council had before it the report dated 14 July 2023 from the Governance Team Leader regarding Draft Council Policy - Code of Meeting Practice.
- CCL23/197 ROAD CLOSURE AND DISPOSAL AGREEMENT - CLASSIFICATION AS OPERATIONAL LAND - CAMPANIA ROAD, RAWSONVILLE (ID23/1711)** 115
- The Council had before it the report dated 4 July 2023 from the Property Development Officer regarding Road Closure and Disposal Agreement - Classification as Operational Land - Campania Road, Rawsonville.

- CCL23/198 EXECUTION OF PLAN OF SUBDIVISION - KESWICK ESTATE STAGE 5 RELEASE 2 (ID23/1765)** 122
The Council had before it the report dated 10 July 2023 from the Property Development Officer regarding Execution of Plan of Subdivision - Keswick Estate Stage 5 Release 2.
- CCL23/199 TREE PRESERVATION ORDER - INTRODUCTION OF STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 (ID23/647)** 127
The Council had before it the report dated 23 May 2023 from the Manager Recreation and Open Space regarding Tree Preservation Order - Introduction of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- CCL23/200 COMMUNITY SERVICES FUNDING 2023/2024 - COMMUNITY BENEFIT FUNDING IN ACCORDANCE WITH SECTION 356 LOCAL GOVERNMENT ACT 1993 (ID23/1772)** 136
The Council had before it the report dated 12 July 2023 from the Manager Community Services regarding Community Services Funding 2023/2024 - Community Benefit Funding in Accordance with Section 356 Local Government Act 1993.
- CCL23/201 DESTINATION DUBBO FUNDING (ID23/1770)** 143
The Council had before it the report dated 11 July 2023 from the Manager Regional Experiences regarding Destination Dubbo Funding.
- CCL23/202 GROWING REGIONS PROGRAM ROUND 1 - EXPRESSIONS OF INTEREST (ID23/1807)** 156
The Council had before it the report dated 19 July 2023 from the Chief Executive Officer regarding Growing Regions Program Round 1 - Expressions of Interest.
- CCL23/203 DRAFT 2023-2027 COMMUNITY ENGAGEMENT STRATEGY (INCLUDING COMMUNITY PARTICIPATION PLAN) (ID23/1801)** 161
The Council had before it the report dated 18 July 2023 from the Manager Customer Experience and Engagement regarding Draft 2023-2027 Community Engagement Strategy (including Community Participation Plan).

- CCL23/204 QUESTIONS ON NOTICE - COUNCILLOR RICHARD IVEY (ID23/1764)** 167
The Council had before it the report dated 10 July 2023 from the Councillor regarding Questions on Notice - Councillor Richard Ivey.
- CCL23/205 QUESTIONS ON NOTICE - COUNCILLOR SHIBLI CHOWDHURY (ID23/1771)** 171
The Council had before it the report dated 11 July 2023 from the Councillor regarding Questions on Notice - Councillor Shibli Chowdhury.
- CCL23/206 COMMENTS AND MATTERS OF URGENCY (ID23/1151)**



Confirmation Of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 22 June 2023 and the Extraordinary Council meeting held on 30 June 2023.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 22 June 2023 and the Extraordinary Council meeting held on 30 June 2023, attached under separate cover, be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

APPENDICES:

1 Minutes - Ordinary Council Meeting - 22 June 2023



2 Minutes - Extraordinary Council Meeting - 30 June 2023



Provided under separate cover



DUBBO REGIONAL
COUNCIL

REPORT: Mayoral Appointments and Meetings

DIVISION: Chief Executive Officer
REPORT DATE: 14 July 2023
TRIM REFERENCE: ID23/1782

EXECUTIVE SUMMARY

Purpose	Provide review or update	
Issue	Details of Mayoral appointments and meetings for the period 11 June 2023 through to 14 July 2023.	
Reasoning	To ensure transparency of Mayoral appointments and meetings.	
Financial Implications	Budget Area	There are no financial implications arising from this report.
Policy Implications	Policy Title	There are no policy implications arising from this report.

STRATEGIC DIRECTION

The 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes five principle themes and a number of strategies and outcomes. This report is aligned to:

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.2 Council's decision-making processes are open, transparent and accountable

RECOMMENDATION

That the information contained in the report be noted.

Murray Wood
Chief Executive Officer

MW
Chief Executive Officer

REPORT

Consultation

Details follow in the body of the report regarding all meetings and appointments of the Mayor for the given period. These meetings and appointments are representative of community, business, political and Council consultation.

Resourcing Implications

Nil

For the information of Councillors, the following details of mayoral appointments and attendances are provided:

Monday, 12 June 2023

- Attended the NSW Junior Rugby Championships under 14 Girls presentation.

Tuesday, 13 June 2023

- Attended interview with Zoo FM.
- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington and District Leader.
- Attended a phone meeting with Mark Spittal, Chief Executive Western NSW Local Health District.
- Attended along with Council's Chief Executive Officer, Murray Wood a Regional Capitals Australia and Regional Cities NSW Dinner in Canberra.

Wednesday, 14 June 2023

- Attended along with Council's Chief Executive Officer, Murray Wood the ALGA National General Assembly in Canberra.

Thursday, 15 June 2023

- Attended along with Chief Executive Officer, Murray Wood the ALGA National General Assembly in Canberra.
- Attended the 2023 Australian Council of Local Government Forum Dinner.

Friday, 16 June 2023

- Attended radio interview with 2DU.
- Attended along with Council's Chief Executive Officer, Murray Wood the Australian Council of Local Government Forum.

Saturday, 17 June 2023

- Attended along with Councillors Josh Black; Shibli Chowdhury; Vicki Etheridge; Richard Ivey and Council's Chief Executive Officer, Murray Wood the Philippine Independence Day Flag Raising Ceremony.
- Attended a meeting with Councillor Shibli Chowdhury.
- Attended the Winter Whisky Festival.
- Recorded Mayoral Memo with Mark Barnes.
- Attended the Lilibela and the Loft grand opening.
- Attended along with Councillor Shibli Chowdhury the Philippine Independence Day Dinner.

Monday, 19 June 2023

- Attended radio interview with 2BS.
- Attended radio interview with 2WEB.
- Attended along with Council's Chief Executive Officer, Murray Wood a Regional Cities NSW meeting.
- Attended along with Councillors Jess Gough and Richard Ivey the Wellington Senior Citizens Club Biggest Morning Tea event.
- Attended a meeting with Councillor Matt Wright.

Tuesday, 20 June 2023

- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington and District Leader.
- Attended a meeting with Councillor Pam Wells.
- Attended a phone meeting with Councillor Damien Mahon.
- Attended a meeting with Mick McKenna from Dubbo Chamber of Commerce.
- Attended along with Council's Chief Executive Officer, Murray Wood a meeting with Darria Turley and Scott Phillips from Local Government NSW.
- Attended along with Council's Chief Executive Officer, Murray Wood the signing of the partnership agreement between Dubbo Regional Council and the Wellington Aboriginal Action Panel.
- Attended interview with Kenji from ABC.
- Attended a meeting along with Councillors Shibli Chowdhury; Damien Mahon and Matt Wright, Council's Chief Executive Officer, Murray Wood and Council's Director Organisational Performance, Jane Bassingthwaite to discuss Keswick Estate.

Wednesday, 21 June 2023

- Attended radio interview with Triple M.
- Attended an interview with Tijana from Dubbo News.

Thursday, 22 June 2023

- Attended along with Councillors Richard Ivey and Matt Wright, Council's Chief Executive Officer, Murray Wood; Director Organisational Performance, Jane Bassingthwaite and Director Community Culture and Place, Craig Arms a site visit at the Old Dubbo Gaol.
- Attended an Extraordinary meeting of the CWO REZ CRG with the NSW Telco Authority.
- Attended Council Briefing.
- Attended Ordinary Council Meeting.

Friday, 23 June 2023

- Attended radio interview with DC FM.
- Attended radio interview with 2DU.
- Attended radio interview with ABC Radio.
- Attended radio interview with Binjang.
- Attended Member for Parkes, the Hon. Mark Coulton's 15th Anniversary Dinner.

Saturday, 24 June 2023

- Recorded Mayoral Memo with Mark Barnes.

Saturday, 25 June 2023

- Attended along with Councillor Shibli Chowdhury the Dubbo Mayor's Cup at the Dubbo Greyhound Racing Club.

Monday, 26 June 2023

- Attended radio interview with Zoo FM.
- Attended interview with DC FM.
- Attended the Unveiling of Tour de OROC 2022 Jersey and GWR certificate.
- Attended interview with Iain from 2DU.

Tuesday, 27 June 2023

- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington and District Leader.
- Attended interview with Triple M News.

Wednesday 28 June 2023

- Attended Dubbo College South Campus – problem solving presentation.
- Attended interview with Steven from Triple M.
- Attended interview with Michael from 2DU.

Thursday, 29 June 2023

- Attended along with Councillors Josh Black; Lewis Burns; Vicki Etheridge; Jess Gough; Richard Ivey; Damien Mahon; Pam Wells and Matt Wright a Councillor Workshop – Transport for NSW New Dubbo Bridge Project and Wiradjuri Tourism Project.

Friday, 30 June 2023

- Attended radio interview with 2DU.
- Attended to officially open the West Dubbo State Pennant Finals.
- Attended Extraordinary Council Meeting.
- Attended interview with Ciara from the Daily Liberal.
- Attended interview with 2DU.

Saturday, 1 July 2023

- Recorded Mayoral Memo with Mark Barnes.
- Attended along Member for Dubbo, Dugald Saunders MP the Rural Fire Service Bob Conran Training Facility Opening and Catering and Communications Trailer Reveal.

Sunday, 2 July 2023

- Attended the FIBA Women's Asia Cup 2023.

Monday, 3 July 2023

- Attended radio interview with 2BS.
- Attended radio interview with 2WEB.
- Attended a meeting with Councillor Lewis Burns.
- Attended along with Councillors Pam Wells and Matt Wright and Council's Chief Executive Officer the Evelyn Barker Memorial NAIDOC March and Flag Raising Ceremony.
- Attended a 90th birthday morning tea for Tina Beggs at the Dubbo Golf Club.
- Attended a meeting with Councillors Jess Gough and Richard Ivey.
- Attended a phone meeting with Josh McFarlane acting CEO Catholic Healthcare.
- Attended along with Councillor Matt Wright the Dubbo Chamber of Commerce Rhinos Launch 2023.

Tuesday, 4 July 2023

- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington and District Leader.
- Attended a meeting with Councillor Vicki Etheridge.
- Attended along with Councillor Lewis Burns the Annecto Dubbo opening.
- Attended the Audit and Risk Management Committee Meeting.

- Attended along with Deputy Mayor, Councillor Richard Ivey the Dubbo Blood Donor Centre to donate blood.
- Attended interview with Michael from 2DU.

Wednesday, 5 July 2023

- Attended radio interview with Triple M.
- Attended along with Council's Chief Executive Officer, Murray Wood a Regional Cities NSW visit and tour of Tweed Heads.
- Attended along with Council's Chief Executive Officer, Murray Wood a Regional Cities NSW dinner.

Thursday, 6 July 2023

- Attended along with Council's Chief Executive Officer, Murray Wood a Regional Cities NSW visit and tour of Lismore.
- Attended interview with Ash from NBN News.
- Attended along with Council's Chief Executive Officer, Murray Wood a Regional Cities NSW dinner.

Friday, 7 July 2023

- Attended radio interview with 2DU.
- Attended along with Councillors Jess Gough; Lewis Burns and Pam Wells the Uniting NAIDOC celebration event.
- Attended radio interview with Jac Underwood on 2BS.
- Recorded Mayoral Memo with Mark Barnes.
- Attended a phone meeting with Nick Holden.
- Attended along with Councillors Jess Gough and Matt Wright, Council's Chief Executive Officer, Murray Wood and Member for Dubbo, Dugald Saunders, MP the official opening of the NSW Rugby Hub at 'The Greens'

Saturday, 8 July 2023

- Attended Dubbo Parkrun as part of their 8th Birthday Celebration.
- Attended along with Councillor Shibli Chowdhury, Council's Chief Executive Officer, Murray Wood and Member for Dubbo, Dugald Saunders, MP the Eid Gala Dinner.

Monday, 10 July 2023

- Attended interview with Isabel from Triple M.
- Attended radio interview with Zoo FM.
- Attended interview with Hamish from Prime 7.
- Attended interview with Dubbo News.
- Attended interview with Madeleine Bower from the Daily Telegraph.
- Attended interview with Michael from 2DU.

Tuesday, 11 July 2023

- Attended a meeting with Councillor Pam Wells.
- Submitted Mayoral Memo to the Daily Liberal.
- Submitted Mayoral Memo to the Wellington and District Leader.
- Attended media opportunity regarding the 3D printed amenities block at Lions Park West.
- Attended along with Councillors Josh Black; Shibli Chowdhury; Vicki Etheridge; Richard Ivey and Inspector Bill Russell from NSW Police a Citizenship Ceremony.
- Attended along with Council's Chief Executive Officer, Murray Wood and Director Community, Culture and Places, Craig Arms a meeting with Rod Fardell.
- Attended a meeting with Council's Chief Executive Officer, Murray Wood and Director Strategy, Partnerships and Engagement, Natasha Comber.
- Attended Regional Capitals Australia Board Meeting.

Wednesday, 12 July 2023

- Attended a presentation on the draft Net Zero Framework.

Thursday, 13 July 2023

- Attended interview with ABC TV News Channel.
- Attended interview with Matt Collins from Triple M Griffith.
- Attended live interview with Channel 10 News First.
- Attended on camera interview regarding the 3D Printing.
- Attended a briefing to Councillors by Mark Spittal, Chief Executive Western NSW Local Health District on the Alcohol and other Drugs Rehabilitation Centre.
- Attended Standing Committee Briefing.
- Attended Standing Committee Meeting.

Friday, 14 July 2023

- Attended radio interview with 2DU.
- Attended radio interview with Binjang.
- Attended radio interview with DC FM.
- Recorded Mayoral Memo with Mark Barnes.



REPORT: Status of Notices of Motion - Quarterly Update

DIVISION: Organisational Performance
REPORT DATE: 23 May 2023
TRIM REFERENCE: ID23/1188

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Increase transparency Provide update 	
Issue	This report provides a quarterly update on the Notices of Motion resolved in this term of Council, and provides the current status for each one.	
Reasoning	<ul style="list-style-type: none"> This report will provide Councillors with a regular update on the actions being undertaken to finalise Council resolutions and notation of the action/s required under a Notice of Motion. Once a Notice of Motion has been reported as completed, it will no longer appear on the report. 	
Financial Implications	Budget Area	Nil
	Funding Source	N/A
	Proposed Cost	Nil
	Ongoing Costs	There are no costs to provide this report as an administration function, except for staff time.
Policy Implications	Policy Title	N/A
	Impact on Policy	Nil

STRATEGIC DIRECTION

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

Theme: 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

Theme: 4 Leadership
CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
Delivery Program Strategy: 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner

Theme: 4 Leadership
CSP Objective: 4.2 The resources of Council are sustainably managed
Delivery Program Strategy: 4.2.5 Service reviews are conducted to improve Council's performance

RECOMMENDATION

That the report prepared by the Manager Corporate Governance be noted.

Jane Bassingthwaighe
Director Organisational Performance

AR
Manager Corporate
Governance

BACKGROUND

Previous Resolutions of Council

24 November 2022 CCL22/301	<ol style="list-style-type: none">1. That the information contained within the report of the Manager Corporate Governance dated 16 November 2022, be noted.2. That a report on the status of Notices of Motion be provided on a quarterly basis.3. That a register of completed Notices of Motion for this term of Council be included as a separate appendix in every quarterly report.
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In this current term of Council, 38 Notices of Motion have been carried by the elected body. This report will be provided on a quarterly basis and it will list the current status of each of the Notices of Motion. It will also report when a Notice of Motion has been completed, and completed items will be removed for the following report.

It is hoped that this report will increase transparency and monitor the business arising from Notices of Motions, providing the elected body and members of the community with an update on progress of matters raised.

REPORT

Council's Code of Meeting Practice provides all Councillors with the opportunity to place Notices of Motion (Motions) on the Agenda at monthly Ordinary Meetings of Council. These Motions are then put to the group of Councillors for debate; motions that are carried (i.e. when Councillors vote For the Motion) will be reported on quarterly.

The updated Motions for this term of Council are attached as **Appendix 1**.

Consultation

- Senior staff have been consulted as to the progress of each Motion. This report provides the elected body with a formal update to their Motions.

Resourcing Implications

- Many staff are required to carry out the tasks arising from successful Motions.
- Under the Code of Meeting Practice, the elected body must address financial implications and funding sources in their respective Motions.

APPENDICES:

- 1⇒ Updated report on Notices of Motions July 2023 Provided under separate cover



REPORT: Quarterly Report on Complaint Statistics Under Council's Code of Conduct

DIVISION: Organisational Performance
REPORT DATE: 23 May 2023
TRIM REFERENCE: ID23/1189

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Fulfil legislated requirement/Compliance Increase transparency 	
Issue	Quarterly report regarding the code of conduct reports received against Councillors.	
Reasoning	<ul style="list-style-type: none"> In accordance with Part 11.1 of the Procedures for the Administration of the Model Code of Conduct as issued by the NSW Department of Premier and Cabinet, Council's Complaints Coordinator is required to report to council within 3 months of the end of September each year on complaint statistics under Council's Code of Conduct. The current elected body has requested quarterly reporting in addition to the statutory annual report. 	
Financial Implications	Budget Area	Corporate Governance
	Funding Source	Corporate Governance – Code of Conduct
	Actual Cost	\$5,597.50 YTD
	Ongoing Costs	Budgeted \$50,000 per annum
Policy Implications	Policy Title	Council's Code of Conduct
	Impact on Policy	No policy implications 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 principle themes and a number of objectives and strategies. This report is aligned to:

Theme: 4 Leadership
 CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
 Delivery Program Strategy: 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner

RECOMMENDATION

That the report of the Manager Corporate Governance, dated 23 May 2023, be noted.

Jane Bassingthwaite
Director Organisational Performance

AR
Manager Corporate
Governance

BACKGROUND

The current elected body have requested quarterly reports regarding code of conduct complaints received against Councillors or the CEO.

The total costs for the 2021/2022 financial year, for code of conduct complaints totalled \$154,066.

The total costs to date for the 2022/2023 financial year, for code of conduct complaints totals \$5,597.50.

REPORT

This report covers complaints received for the 2022/2023 financial year to date, and particularly Q4, where 1 complaint was received; this matter is currently with an external conduct reviewer for consideration.

- Q1 – 1 July 2022 to 30 September 2022 - two complaints received in this quarter - \$5,597.50
- Q2 – 1 October 2022 to 31 December 2022 – zero complaints received – zero costs
- Q3 – 1 January 2023 to 31 March 2023 – 2 complaints received – zero costs
(Both complaints did not establish a breach of the Code of Conduct)
- Q4 – 1 April 2023 to 30 June 2023 – 1 complaint received – costs to be determined

Consultation

- Reporting complaint statistics regularly allows for transparency both within Council and in the broader community.
- Council is also required to report its annual Code of Conduct statistics to the Office of Local Government each December (for the period 1 September to 31 August).

Resourcing Implications

- Staff resources are used to manage the administration of complaints and liaise with external conduct reviewers.



**DUBBO REGIONAL
COUNCIL**

Report of the Infrastructure, Planning and Environment Committee - meeting 13 July 2023

AUTHOR: Governance Officer
REPORT DATE: 19 July 2023

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 13 July 2023.

RECOMMENDATION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 13 July 2023, be adopted.



**REPORT
INFRASTRUCTURE, PLANNING AND
ENVIRONMENT COMMITTEE
13 JULY 2023**

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

ALSO IN ATTENDANCE: The Chief Executive Officer, the Director Organisational Performance, the Governance Team Leader, the Governance Officer, the Director Strategy Partnership and Engagement, the Manager Dubbo Regional Airport, the IT Infrastructure Specialist, the Director Development and Environment (D Quigley), the Team Leader Growth Planning Projects, the Director Infrastructure and the Director Community Culture and Places (C Arms).

Councillor J Black assumed the chair of the meeting.

The proceedings of the meeting commenced at 5.33pm.

IPEC23/24 ACKNOWLEDGEMENT OF COUNTRY (ID23/1219)

Councillor P Wells delivered an Acknowledgment to Country.

IPEC23/25 LEAVE OF ABSENCE (ID23/1235)

Requests for leave of absence were received from Councillor D Mahon and L Burns who were absent from the meeting due to personal reasons.

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

That such requests for Leave of Absence be accepted and Councillors D Mahon and L Burns be granted leave of absence from this meeting.

CARRIED

Clr S Chowdhury attended via audio visual link.

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

Against: Nil.

IPEC23/26 CONFLICTS OF INTEREST (ID23/1223)

There were no conflicts of interest.

**IPEC23/27 REPORT OF THE CLIMATE CHANGE AND RESILIENCE COMMITTEE - MEETING
30 MAY 2023 (ID23/1536)**

The Committee had before it the report of the Climate Change and Resilience Committee meeting held 30 May 2023.

Moved by Councillor M Dickerson and seconded by Councillor V Etheridge

MOTION

That the report of the Climate Change and Resilience Committee meeting held on 30 May 2023, be noted.

CARRIED

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

Against: Nil.

**IPEC23/28 BENOLONG BRIDGE - TEMPORARY LOAD LIMIT DUE TO TIMBER BRIDGE
CONDITION (ID23/1705)**

The Committee had before it the report dated 3 July 2023 from the Operations Engineer (West) regarding Benolong Bridge - Temporary Load Limit Due to Timber Bridge Condition.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

- 1. That it be noted this report was not tabled at a local traffic committee meeting**
- 2. That Council concur with the operational decision to impose a temporary gross vehicle load limit of 15 tonnes for Benolong Bridge.**
- 3. That the CEO make determinations on a course of action for the load limit duration when bridge repair pricing is received.**

CARRIED

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

Against: Nil.

IPEC23/29 BUILDING SUMMARY - JUNE 2023 (ID23/1596)

The Committee had before it the report dated 30 June 2023 from the Director Development and Environment regarding Building Summary - June 2023.

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

That the report of the Director Development and Environment, dated 30 June 2023, be noted.

CARRIED

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

Against: Nil.

IPEC23/30 DIGITAL MAPS FOR THE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2022 (ID23/1520)

The Committee had before it the report dated 30 June 2023 from the Team Leader Growth Planning Projects regarding Digital Maps for the Dubbo Regional Local Environmental Plan 2022.

Moved by Councillor M Wright and seconded by Councillor P Wells

MOTION

1. That Council support moving to digital maps for the Dubbo Regional Local Environmental Plan 2022.
2. That Council submit a request to the NSW Government Department of Planning and Environment under Section 3.22 – Expedited Amendment of the Environmental Planning and Assessment Act 1979 to move to digital maps for the Dubbo Regional Local Environmental Plan 2022.
3. That if a Planning Proposal is required to enact the required amendments:
 - a. Council support the preparation of a Planning Proposal to retire the PDF map sheets for the Dubbo Regional Local Environmental Plan 2022 and replace these with digital maps.
 - b. Council request the requirement for community consultation be waived under Section 3.34 of the Environmental Planning and Assessment Act 1979 as moving to digital maps will not change any provisions within the Dubbo Regional Local Environmental Plan 2022.
 - c. That Council request delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the amendments to the Dubbo Regional Local Environmental Plan 2022.

CARRIED

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

Against: Nil.

The meeting closed at 5.42pm.

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CHAIRPERSON



**DUBBO REGIONAL
COUNCIL**

Report of the Culture and Community Committee - meeting 13 July 2023

AUTHOR: Governance Officer
REPORT DATE: 19 July 2023

The Council had before it the report of the Culture and Community Committee meeting held 13 July 2023.

RECOMMENDATION

That the report of the Culture and Community Committee meeting held on 13 July 2023, be adopted.



REPORT
CULTURE AND COMMUNITY COMMITTEE
13 JULY 2023

**DUBBO REGIONAL
COUNCIL**

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

ALSO IN ATTENDANCE: The Chief Executive Officer, the Director Organisational Performance, the Governance Team Leader, the Governance Officer, the Director Strategy Partnership and Engagement, the Manager Dubbo Regional Airport, the Communications Services Team Leader, the IT Infrastructure Specialist, the Director Development and Environment (D Quigley), the Director Infrastructure and the Director Community Culture and Places (C Arms).

Councillor J Gough assumed the chair of the meeting.

The proceedings of the meeting commenced at 5.44pm.

CCC23/54 LEAVE OF ABSENCE (ID23/1239)

Requests for leave of absence were received from Councillors D Mahon and L Burns who were absent from the meeting due to personal reasons.

Moved by Councillor M Dickerson and seconded by Councillor M Wright

MOTION

That such requests for Leave of Absence be accepted and Councillors D Mahon and L Burns be granted leave of absence from this meeting.

CARRIED

Clr S Chowdhury attended via audio visual link.

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

Against: Nil.

CCC23/55 CONFLICTS OF INTEREST (ID23/1227)

There were no conflicts of interest.

CCC23/56 REPORT OF THE SOCIAL JUSTICE ADVISORY COMMITTEE - MEETING 16 MAY 2023 (ID23/1556)

The Committee had before it the report of the Social Justice Advisory Committee meeting held 16 May 2023.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

That the report of the Social Justice Advisory Committee meeting held on 16 May 2023, be noted.

CARRIED

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

Against: Nil.

CCC23/57 REPORT OF THE WELLINGTON TOWN COMMITTEE - MEETING 5 JUNE 2023 (ID23/1558)

The Committee had before it the report of the Wellington Town Committee meeting held 5 June 2023.

Moved by Councillor R Ivey and seconded by Councillor J Black

MOTION

That the report of the Wellington Town Committee meeting held on 5 June 2023, be noted.

CARRIED

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

Against: Nil.

CCC23/58 REPORT OF THE YOUTH COUNCIL - MEETING 6 JUNE 2023 (ID23/1560)

The Committee had before it the report of the Youth Council meeting held 6 June 2023.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

That the report of the Youth Council meeting held on 6 June 2023, be noted.

CARRIED

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

Against: Nil.

**CCC23/59 REPORT OF THE SISTER CITY COMMITTEE - MEETING 20 JUNE 2023
(ID23/1547)**

The Committee had before it the report of the Sister City Committee meeting held 20 June 2023.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That the report of the Sister City Committee meeting held on 20 June 2023, be noted.

CARRIED

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

Against: Nil.

**CCC23/60 REPORT OF THE RECONCILIATION ACTION PLAN WORKING GROUP - MEETING
4 JULY 2023 (ID23/1545)**

The Committee had before it the report of the Reconciliation Action Plan Working Group meeting held 4 July 2023.

Moved by Councillor P Wells and seconded by Councillor M Wright

MOTION

That the report of the Reconciliation Action Plan Working Group meeting held on 4 July 2023, be noted.

CARRIED

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

Against: Nil.

CCC23/61 REPORT OF THE YOUTH COUNCIL - MEETING 4 JULY 2023 (ID23/1561)

The Committee had before it the report of the Youth Council meeting held 4 July 2023.

Moved by Councillor P Wells and seconded by Councillor M Wright

MOTION

That it be noted that the Youth Council meeting to be held on 4 July 2023 was cancelled due to lack of quorum.

CARRIED

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

Against: Nil.

CCC23/62 DELROY PARKLANDS RECREATIONAL PRECINCT - PUBLIC EXHIBITION OF REVISED MASTERPLAN (ID22/303)

The Committee had before it the report dated 29 July 2022 from the Manager Recreation and Open Space regarding Delroy Parklands Recreational Precinct - Public Exhibition of Revised Masterplan.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

- 1. That the Delroy Parklands Recreational Precinct be endorsed for the purpose of public exhibition for a minimum of 28 days to seek community feedback on the proposal.**
- 2. That a report be provided to Council following the conclusion of the public exhibition period.**

CARRIED

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

Against: Nil.

The meeting closed at 5.54pm.

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CHAIRPERSON



**DUBBO REGIONAL
COUNCIL**

Report of the Corporate Services Committee - meeting 13 July 2023

AUTHOR: Governance Officer
REPORT DATE: 19 July 2023

The Council had before it the report of the Corporate Services Committee meeting held 13 July 2023.

RECOMMENDATION

That the report of the Corporate Services Committee meeting held on 13 July 2023, be adopted.



DUBBO REGIONAL
COUNCIL

REPORT
CORPORATE SERVICES COMMITTEE
13 JULY 2023

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

ALSO IN ATTENDANCE: The Chief Executive Officer, the Director Organisational Performance, the Governance Team Leader, the Governance Officer, the Director Strategy Partnership and Engagement, the Manager Dubbo Regional Airport, the Communications Services Team Leader, the IT Infrastructure Specialist, the Director Development and Environment (D Quigley), the Director Infrastructure and the Director Community Culture and Places (C Arms).

Councillor M Dickerson assumed the chair of the meeting.

The proceedings of the meeting commenced at 5.55pm

CSC23/29 LEAVE OF ABSENCE (ID23/1243)

Requests for leave of absence were received from Councillors D Mahon and L Burns who were absent from the meeting due to personal reasons.

Moved by Councillor J Gough and seconded by Councillor J Black

MOTION

That such requests for Leave of Absence be accepted and Councillors D Mahon and L Burns be granted leave of absence from this meeting.

CARRIED

Clr S Chowdhury attended via audio visual link.

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

Against: Nil.

CSC23/30 CONFLICTS OF INTEREST (ID23/1231)

There were no conflicts of interest.

CSC23/31 REPORT OF THE DUBBO REGIONAL LIVESTOCK MARKETS ADVISORY COMMITTEE - MEETING 13 JUNE 2023 (ID23/1537)

The Committee had before it the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held 13 June 2023.

Moved by Councillor V Etheridge and seconded by Councillor R Ivey

MOTION

That the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held on 13 June 2023, be noted.

CARRIED

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

Against: Nil.

CSC23/32 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 4 JULY 2023 (ID23/1538)

The Committee had before it the report of the Audit and Risk Management Committee meeting held 4 July 2023.

Moved by Councillor R Ivey and seconded by Councillor P Wells

MOTION

That the report of the Audit and Risk Management Committee meeting held on 4 July 2023, be adopted.

CARRIED

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

Against: Nil.

CSC23/33 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - JUNE 2023 (ID23/1552)

The Committee had before it the report dated 1 July 2023 from the Chief Executive Officer regarding Monthly Reporting Snapshot for Councillors - June 2023.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

That the information contained within the report of the Chief Executive Officer dated 1 July 2023, be noted.

CARRIED

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

Against: Nil.

CSC23/34 2023/2024 CHRISTMAS/NEW YEAR CLOSURE PERIOD (ID23/1704)

The Committee had before it the report dated 1 July 2023 from the Chief Executive Officer regarding 2023/2024 Christmas/New Year Closure Period.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

That the information contained within the report of the Chief Executive Officer dated 1 July 2023, be noted.

CARRIED

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

Against: Councillor J Black.

CSC23/35 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - JUNE 2023 (ID23/1597)

The Committee had before it the report dated 4 July 2023 from the Graduate Accountant regarding Investment Under Section 625 of the Local Government Act - June 2023.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

That the information contained within the Investment under Section 625 of the Local Government Act Report, dated 4 July 2023, be noted.

CARRIED

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

Against: Nil.

CSC23/36 NATURAL DISASTER DECLARATIONS - FINANCIAL YEAR 2022/2023 (ID23/916)

The Committee had before it the report dated 3 May 2023 from the Emergency and Risk Team Leader regarding Natural Disaster Declarations - Financial Year 2022/2023.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

- 1. That the report from the Emergency and Risk Team Leader be noted.**
- 2. That communication activities be undertaken to build community awareness regarding the role Council undertakes in natural disasters, including current preparations for the upcoming bush fire season.**

CARRIED

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

Against: Nil.

CSC23/37 LOCAL GOVERNMENT NSW - 2023 ANNUAL CONFERENCE (ID23/1111)

The Committee had before it the report dated 16 May 2023 from the Governance Team Leader regarding Local Government NSW - 2023 Annual Conference.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

1. That three councillors be selected, alongside the Mayor, to act as voting delegates at the Local Government NSW Annual Conference 2023.
2. That Council advise Local Government NSW who the voting delegates for motions and the board elections are, by no later than close of business Friday 27 October 2023.
3. That the nominated delegates represent Council at the Local Government NSW Annual Conference 2023.
4. That any non-voting councillor attendees at the Local Government NSW Annual Conference 2023 be decided.

CARRIED

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

Against: Nil.

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

1. That Councillors S Chowdhury, V Etheridge and J Black be selected, alongside the Mayor to act as voting delegates at the Local Government NSW Annual Conference 2023.
2. That the following Councillors attend as non-voting delegates - M Wright, R Ivey, J Gough and L Burns.

CARRIED

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

Against: Nil.

CSC23/38 ENHANCED CHRISTMAS PROGRAM 2023 (ID23/1620)

The Committee had before it the report dated 28 June 2023 from the Manager Strategic Partnership and Investment regarding Enhanced Christmas Program 2023.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

1. That the CEO be requested to seek corporate partners to the minimum value of \$20,000 to extend Council's existing investment in the 2023 Christmas program in the LGA (Option 3).
2. That if corporate partners are not identified or endorsed by Council that Council continue with the proposed Christmas Program and associated budget of \$25,000 for 2023.

CARRIED

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

Against: Nil.

CSC23/39 REVISED DRAFT MEDIA POLICY 2023 (ID23/1710)

The Committee had before it the report dated 4 July 2023 from the Communication Services Team Leader regarding Revised Draft Media Policy 2023.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

1. That the draft Media Policy, as attached at Appendix 1, be placed on public exhibition for a period of 28 days, inviting the public to make submissions.
2. That a further report be provided to Council following public exhibition.

CARRIED

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

Against: Nil.

CSC23/40 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE 4 - PROJECT NOMINATIONS (ID23/1632)

The Committee had before it the report dated 29 June 2023 from the Executive Officer Strategy Partnerships and Engagement regarding Local Roads and Community Infrastructure - Phase 4 - Project Nominations.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

1. That the Chief Executive Officer submit Local Roads and Community Infrastructure Program Phase 4 project nominations, as detailed in the report, to the funding body for approval.
2. That, in the case that any project nomination be rejected by the funding body, the Chief Executive Officer be authorised to submit alternative projects or amendments to approved projects.

CARRIED

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

Against: Nil.

CONFIDENTIAL COUNCIL

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:

- CSC23/41 – Growing Regions Program – Round 1 – Project Proposals
Section 10A(2)(c) – commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- CSC23/42 – Quotation for Supply of Microsoft Software Licencing
Section 10A(2)(d)(i) – commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- CSC23/43 – Dubbo Regional Airport General Aviation Drainage Upgrade Stage 3 Tender
Section 10A(2)(d)(ii) – commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

At this juncture it was moved by Councillor M Wright and seconded by Councillor P Wells that the Council resolves into Closed Session, the time being 6.20pm.

At this juncture it was moved by Councillor V Etheridge and seconded by Councillor J Gough that the Council resolves into open session, the time being 6.48pm.

The Open Session resumed at 6.49pm.

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

**CSC23/41 GROWING REGIONS PROGRAM - ROUND 1 - PROJECT PROPOSALS
(ID23/1709)**

The Committee had before it the report dated 3 July 2023 from the Chief Executive Officer regarding Growing Regions Program - Round 1 - Project Proposals.

Moved by Councillor M Wright and seconded by Councillor P Wells

MOTION

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

CARRIED

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

1. That Council consider the information provided in the report.
2. That Council advise the Chief Executive Officer of its preferred project preferences that are to undergo further investigation to determine eligibility and suitability in meeting the guidelines of the Growing Regions Program – Round 1.
3. That a further report be brought to Council at its meeting to be held 27 July 2023 detailing suitable projects and seeking Council's endorsement to submit expression of interest/s.
4. That all documentation in relation to this matter remain confidential to Council.

CARRIED

Moved by Councillor J Black and seconded by Councillor V Etheridge

AMENDMENT

1. That Council consider the information provided in the report.
2. That Council advise the Chief Executive Officer of its preferred project preferences that are to undergo further investigation to determine eligibility and suitability in meeting the guidelines of the Growing Regions Program – Round 1.
3. That a further report be brought to Council at its meeting to be held 27 July 2023 detailing suitable projects and seeking Council's endorsement to submit expression of interest/s.
4. That all documentation in relation to this matter remain confidential to Council.
5. That the Mayor write to relevant Commonwealth and State Government Ministers to seek extra funding for the Wiradjuri Cultural Tourism Centre.

The amendment on being put to the meeting was carried.

CARRIED

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

Against: Nil.

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

CARRIED

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

Against: Nil.

CSC23/42 QUOTATION FOR SUPPLY OF MICROSOFT SOFTWARE LICENCING (ID23/1595)

The Committee had before it the report dated 23 June 2023 from the Chief Information Officer regarding Quotation for Supply of Microsoft Software Licencing.

Moved by Councillor M Wright and seconded by Councillor P Wells

MOTION

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

CARRIED

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

- 1. That the quotation from Datacom Systems (AU) Pty Ltd for the supply of Microsoft Licencing at a cost of \$856,136.49 (ex GST), with a Year 1 contract payment of \$285,378.83 (ex GST) be accepted.**
- 2. That all documentation in relation to this matter remain confidential to Council.**
- 3. That all documentation in relation to this matter be signed under the Common Seal of Council.**

CARRIED

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

Against: Nil.

CSC23/43 DUBBO REGIONAL AIRPORT GENERAL AVIATION DRAINAGE UPGRADE STAGE 3 TENDER (ID23/1573)

The Committee had before it the report dated 20 June 2023 from the Manager Dubbo Regional Airport regarding Dubbo Regional Airport General Aviation Drainage Upgrade Stage 3 Tender.

Moved by Councillor M Wright and seconded by Councillor P Wells

MOTION

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

CARRIED

Moved by Councillor R Ivey and seconded by Councillor P Wells

MOTION

1. That Council accept the Tender T22-014 Separable “Part B” works price submitted for Northern Regular Passenger Transport Apron Extension from Aitken Civil Engineering in the sum of \$1,083,546 ex GST for Separable Part B.
2. That all documentation in relation to this matter remain confidential to Council.
3. That all documentation in relation to this matter be signed under the Common Seal of Council.

CARRIED

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

Against: Nil.

The meeting closed at 6.51pm.

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CHAIRPERSON



NOTICE OF MOTION: Notice of Motion for Existing and Future Rest Area for Freight Traffic

REPORT DATE: 20 July 2023
FILE: ID23/1814

Council had before it a Notice of Motion dated 20 July 2023 from Councillor S Chowdhury regarding the Notice of Motion for Existing and Future Rest Area for Freight Traffic as follows:

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

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

RECOMMENDATION

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

SC
Councillor

APPENDICES:

1⇒ NOM - Clr S Chowdhury - Existing and Future Rest Area for Freight Traffic

Provided under separate cover



REPORT: Matters for Consideration Around Provision of Land to NSW Health for the Purposes of an Alcohol and Other Drug Rehabilitation Facility

DIVISION: Chief Executive Officer
REPORT DATE: 27 June 2023
TRIM REFERENCE: ID23/1608

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Addressing Council resolution Understand legislative and regulatory requirements 	
Issue	Provide Council details as to the financial, regulatory and legal matters around the provision of land to Western NSW LHD for an Alcohol and Other Drug Rehabilitation Facility, as per Council resolution CCL23/156 dated 22 June 2023.	
Reasoning	Actioning Council resolution for Council consideration.	
Financial Implications	Budget Area	Not relevant to this report as no resolution exists to date determining sale, exchange or transfer of land with Western NSW LHD.
	Funding Source	N/A
	Proposed Cost	N/A
	Ongoing Costs	N/A
Policy Implications	Policy Title	Dubbo Regional Local Environmental Plan 2022 Related water and sewer policies.
	Impact on Policy	Relevant to considerations.

STRATEGIC DIRECTION

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

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.2 Council's decision-making processes are open, transparent and accountable

Theme:	4 Leadership
CSP Objective:	4.1 Council provides transparent, fair and accountable leadership and governance
Delivery Program Strategy:	4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner
Theme:	5 Liveability
CSP Objective:	5.1 The health and safety of the community is improved
Delivery Program Strategy:	5.1.1 Effective medical services and facilities are available

RECOMMENDATION

- 1. That Council note the matters for consideration should Council determine to provide a land package to NSW Health for the purposes of an Alcohol and Other Drug Rehabilitation Facility, be it via sale, exchange or transfer.**
- 2. That based on the site specifications of Western NSW LHD and the constraints expressed by the NSW Minister for Health, being no extra expense and no substantial time delays, it be noted that Council does not have a suitable site option within its property portfolio.**

Murray Wood
Chief Executive Officer

MW
Chief Executive Officer

BACKGROUND

Previous Resolutions of Council

<p>10 September 2018 ICRC18/80</p>	<p><i>That the report of the Social Justice and Crime Prevention Working Party meeting held on 20 August 2018, be adopted.</i></p> <p><i>The report from the Working Party (SJCP18/13) recommended:</i></p> <ol style="list-style-type: none"><i>1. That the information contained within the report of the Manager Social Services dated 14 August 2018 be noted.</i><i>2. That Council endorse the Residential Drug Rehabilitation Business Case noting that:</i><ol style="list-style-type: none"><i>a) The Executive Summary be revised to include more detail surrounding the capital and operational costs of the proposed facility.</i><i>b) A Business Case summary document be made available for public information.</i><i>3. That Council invite separately the Member for Dubbo, the Hon. Troy Grant MP and the Member for Parkes the Hon. Mark Coulton MP to a meeting that presents the findings of the Business Case and formally hands over the detailed Business Case documentation.</i><i>4. That a communications strategy be developed that also includes information from existing residential rehabilitation facilities in regional NSW such as the Weigelli Centre.</i><i>5. That the Mayor seek confirmation from the Member for Dubbo, the Hon. Troy Grant MP as to when a determination on funding would be communicated to Council after the formal hand over of the detailed Business Case.</i><i>6. That a covering letter and appropriate Business Case documentation be provided to the Premier, relevant Ministers (NSW), Leader of the Opposition (NSW), relevant Shadow Ministers (NSW) and the Regional Coordinator of the Department of Premier and Cabinet. The correspondence shall emphasis the need for a rehabilitation centre as critical to enable the roll out of a Drug Court in Dubbo.</i><i>9. That the people and organisations that were consulted in the development of the Residential Drug Rehabilitation Business Case be invited to an information session that in part thanks them for their contribution and provides them with relevant and publicly available details.</i><i>10. That any documents or considerations in relation to this matter remain confidential to the Council with the exception of items produced as an element of recommendations 2b) and 4.</i>
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<p>21 September 2022 CCL22/243</p>	<ol style="list-style-type: none"> 1. <i>That Council adopt the draft Precinct Plan for the North-West Urban Release Area (attached in Appendix 1) for the purposes of public exhibition.</i> 2. <i>That the draft Precinct Plan be placed on public exhibition for a period of not less than 28 days.</i> 3. <i>That Council undertake targeted consultation with landowners in the precinct and relevant State Government Agencies.</i> 4. <i>That following completion of public exhibition, a further report be presented to Council for consideration, including the results of public exhibition.</i> 5. <i>That Council submit a grant application under the NSW State Government Accelerated Infrastructure Fund (Round 3) for the construction of River Street West from its connection with the Newell Highway extension (to be constructed) to Bunglegumbie Road.</i> 6. <i>That the identified 25% or \$3,075,000 Council contribution for the construction of River Street West be sought from unrestricted reserves generated from savings from the 2021/2022 financial year.</i>
<p>25 May 2023 CCL23/124</p>	<ol style="list-style-type: none"> 1. <i>Council opposes the current location proposed for the new Drug and Alcohol Rehabilitation Centre.</i> 2. <i>Council write to the relevant Minister raising its objections to the chosen site and confirm Council's commitment to work with Western LHD to identify a more suitable parcel of land for the community.</i>
<p>22 June 2023 CCL23/156</p>	<ol style="list-style-type: none"> 1. <i>That Council note its support for the construction of an Alcohol and Other Drugs Rehabilitation Facility for the Dubbo Region.</i> 2. <i>That the CEO provide a report to the July 2023 Ordinary Meeting of Council addressing the financial, regulatory and legal matters around the provision of land for Alcohol and Other Drug Rehabilitation Facility.</i>

REPORT

The following sections detail areas for consideration by Council in addressing the financial, regulatory and legal matters around the provision of land for an Alcohol and Other Drug Rehabilitation Facility, as per Council resolution CCL23/156 dated 22 June 2023.

1. Legislative Obligations Concerning Land Transactions by Council

When considering the sale, exchange or surrender of any land, Council must be cognisant of the requirements in the Local Government Act, 1993.

Firstly, Chapter 3 Sections 8 to 8C provide for the “Principles for local government”. Section 8A “Guiding Principles for councils”, relevantly include:

“8A (1)

- (b) *Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.*
- (c) *Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.*
- (e) *Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.*
- (f) *Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.”*

To consider a matter involving a parcel of land and to act in accordance with Section 8A, a market valuation of the identified parcel of land is required so that Council, via a report from staff, would understand the monetary value of a specific parcel as part of their consideration to sell, exchange or transfer a specific parcel of land for any purpose. ‘Value’ as a term would also relate to non-financial considerations but not at the exclusion of financial value.

To date, there has been no such action from August 2018 to the time of writing this report in terms of identifying a specific parcel of land for the purposes of an Alcohol and Other Drug Rehabilitation Facility, and then undertaking an appropriate market valuation for Council’s consideration.

Section 8B “Principles of sound financial management” also includes relevant parts such as those identified below. If land that is zoned residential and may provide a future service to community such as housing, recreation, utility function or ecological services, then arguably Section 8B is relevant to Council’s consideration.

“The following principles of sound financial management apply to councils—

- (a) *Council spending should be responsible and sustainable, aligning general revenue and expenses.*
- (c) *Councils should have effective financial and asset management, including sound policies and processes for the following—*
 - (iii) *funding decisions,*
- (d) *Councils should have regard to achieving intergenerational equity, including ensuring the following—*
 - (i) *policy decisions are made after considering their financial effects on future generations,*
 - (ii) *the current generation funds the cost of its services.”**

***Note:** There is consideration of what Council services are versus what NSW Government service responsibilities are within the section of this report titled Cost Shifting.

In regard to Council decision making, the Local Government Act is very clear in Section 377 on the general powers to delegate. Of specific relevance to matters concerning commitments to land packages is the following excerpt:

“377 General Power of the council to delegate

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—*
- (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),”*

Committees of Council, as can be read throughout Section 377 1) (a) to (u) of the Local Government Act, cannot be given the full powers of a Council.

It should be noted that a confidential report to the Social Justice and Crime Prevention Working Party (SJCPWP) on 20 August 2018 had an attachment; Appendix 1 *“A case for residential alcohol and drug rehabilitation in Dubbo prepared by Patrick Shepherdson 8/8/18”* (for the purposes of this report, this will be referred to as the *“Business Case”*).

The report of the Social Justice and Crime Prevention Working Party was subsequently adopted at the Infrastructure, Community and Recreation Committee on 10 September 2018, noting the Committee had delegated authority from Council from February 2018 within the constraints of the Local Government Act.

Within the *Business Case* and subsequent publicly available versions of the *Business Case* for Residential and Drug Rehabilitation in Dubbo, there are the following references to Council and land (excerpts below).

- *Council has committed to providing land that has the capacity for the initial 15-bed rehabilitation facility and an 8 bed detox facility, with potential to expand at a later date. (Page 6 of the confidential 2018 SJCPWP report)*
- *Dubbo Regional Council has committed to providing a land package to accommodate a residential facility within the LGA. A location will be chosen that has the capacity for the initial 15-bed rehabilitation facility and 8 bed detox facility, with potential to expand at a later date. The property will be outside of the CBD for reasons outlined. Council has also committed funds to support rezoning of the land to enable the AOD facility to operate. (Page 28 of the confidential 2018 SJCPWP report)*
- *Summary of AOD Rehabilitation costs, funding options and potential cost benefits (Pages 32-33 of the confidential 2018 SJCPWP report)*

Item	Cost estimate	Potential funding source(s)
Land (including rezoning and development application)	\$700,000	Commitment from Dubbo Regional Council

An adoption of the *Business Case* by the Infrastructure, Community and Recreation Committee with generic statements on Council commitments to providing a land package is not a resolution by the Council to sell, dispose, exchange or surrender a specific parcel of Council land to another party. It should be recalled that Committees of Council cannot be delegated the powers expressly reserved for Council in Section 377 of the Local Government Act 1993 which includes "377 (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)."

It should also be noted that the \$700,000 'Cost estimate' is not based on the market valuation of a specific land parcel nor has the potential costs of rezoning/development application been costed in relation to a specific parcel intended for a "health service facility", including where it is a prohibited use under the Local Environment Plan. This could be a significant cost as Planning Proposals typically cost \$40,000 and up to \$65,000 in fees, with consultancy fees a further cost element (see sections below for more detail).

The confidential report to the Social Justice and Crime Prevention Working Party (SJCPWP) on 20 August 2018 had an attachment; Appendix 2 "*Memo- Residential Rehabilitation Facility – Design Specifications – Planning Advice*" dated 15 August 2018 from the Property Development Officer to the then Director Community and Recreation, M Wood, and considered five parcels of Council owned land (for the purposes of this report, this will be referred to as the "*Planning Advice Memo*"). It should be noted the five parcels (one in Wellington) were considered outside of any knowledge of potential Western NSW LHD specifications for their model of a rehabilitation service i.e. Council was focused on a rural setting and not an urban or future urban site.

The Property Development Officer stated:

"Clearly there are land use issues associated with the development of the Facility on each of these lots.

The most suitable from an approval pathway perspective would be Council's land on Bunglegumbie Road, however this would significantly compromise Council's strategic plans to develop the city and its riverland to the North West."

There was no recommendation contained within the *Planning Advice Memo* for a specific parcel of land to be offered to Western NSW LHD, nor was there a recommendation in the confidential report to the Social Justice and Crime Prevention Working Party (SJCPWP) on 20 August 2018 from the Manager Social Services determining any parcel of Council owned land that was to be proffered to the NSW Government.

In regard to the above, Council does not have a binding resolution regarding providing land for an Alcohol and Other Drug Rehabilitation Facility. Therefore, it is a matter for this current Council to determine its views on proffering a land package to Western NSW LHD be it via sale, exchange or transfer within the constraints articulated by the NSW Minister for Health in recent correspondence (eg no extra expense and no significant time delays).

2. Planning and Landuse Matters

2.1 Classification of Council Land

All public land must be classified by Council as either Community Land or Operational Land under the provisions of the Local Government Act, 1993. The Act is very clear in regards to Community Land:

45 *What dealings can a council have in community land?*

(1) *A council has no power to sell, exchange or otherwise dispose of community land.*

Council staff have put forward parcels of surplus recreational land that are classified as Community Land for consideration by Western NSW LHD but knowing the re-classification process is important in understanding the time required to move through the processes.

Land that is classified as Operational Land has more flexible uses available to Council and is able to be sold, exchanged or transferred with less restrictions as long as this is done in accordance with legislative and regulatory requirements.

Reclassification is a prescribed process under the Local Government Act Division 1 Sections 25 – 34. For example:

“27 How are the classifications made?”

(1) *The classification or reclassification of public land may be made by a local environmental plan.*

(2) *The classification or reclassification of public land may also be made by a resolution of the council under section 31, 32 or 33.*

29 Public hearing into reclassification

(1) *A council must arrange a public hearing under section 57 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a public hearing has already been held in respect of the same matter as a result of a determination under section 56(2)(e) of that Act.*

(2) *A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.*

34 Public notice to be given of classification or reclassification by council resolution

(1) *A council must give public notice of a proposed resolution to classify or reclassify public land.*

(2) *The public notice must include the terms of the proposed resolution and a description of the public land concerned.*

(3) *The public notice must specify a period of not less than 28 days during which submissions may be made to the council.”*

Public land is classified by one of the following means:

1. By resolution of council, prior to or when the land is acquired; or
2. By a Local Environmental Plan (“LEP”) prepared under the provisions of the Environmental Planning and Assessment Act, 1979; or
3. By operation of the Local Government Act –
 - a. applies to certain land controlled by council at 1 July 1993, or
 - b. where council has since acquired land and there is no resolution to classify the land.

If an amendment to the Dubbo Local Environmental Plan 2022 is required to enact the reclassification, this can only be undertaken through the Planning Proposal process. Ultimately, this process can take between 6 and 12 months to complete based on the need for public and stakeholder consultation, in addition to the Public Hearing requirements under the provisions of the Local Government Act.

Following successful completion of the Planning Proposal process, a Development Application could be lodged with Council on land that is currently classified as Community Land.

2.2 Zoning

It is considered that an Alcohol and Other Drug Rehabilitation Facility would be best defined as a *Health Service Facility* under the provisions of the Dubbo Regional Local Environmental Plan 2022.

A Health Service Facility is defined as the following:

“A building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.”*

The correct zoning for an Alcohol and Other Drug Rehabilitation Facility means a Health Service Facility is permissible with consent (i.e. not a prohibited use). This necessarily brings some level of certainty to a development approval process and avoids the need for a Planning Proposal to amend the LEP (by way of a rezoning or additional permitted use).

Under the State Environmental Planning Policy (Transport and Infrastructure) 2021 a *Health Service Facility* may be carried out by any person with consent in a prescribed zone.

A prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU4 Primary Production Small Lots,
- (b) RU5 Village,
- (c) RU6 Transition,
- (d) R1 General Residential,
- (d1) R2 Low Density Residential,
- (e) R3 Medium Density Residential,
- (f) R4 High Density Residential,
- (g) R5 Large Lot Residential,
- (g1) B1 Neighbourhood Centre,
- (h) B2 Local Centre,
- (i) B3 Commercial Core,
- (j) B4 Mixed Use,
- (k) B5 Business Development,
- (l) B6 Enterprise Corridor,
- (m) B7 Business Park,
- (m1) B8 Metropolitan Centre,
- (n) SP1 Special Activities,
- (o) SP2 Infrastructure.

Take the example of Greengrove, the Dubbo Sewage Treatment Farm (Lot 11 DP 1215338). The land is zoned RU1 Primary Production under the provisions of the Dubbo Regional Local Environmental Plan 2022 and is classified as Operational Land.



Figure 1 Greengrove part parcel

A Health Service Facility such as an Alcohol and Other Drug Rehabilitation Facility is a prohibited development activity on the land (not permitted) in the RU1 Primary Production zone.

This means that a Planning Proposal would be required to amend the Dubbo Regional Local Environmental Plan to permit the Alcohol and Other Drug Rehabilitation Facility on the land.

A Planning Proposal would cost \$65,000 in accordance with Council's adopted Fees and Charges (as a Complex Planning Proposal) and it is not unrealistic for this process to take between 6 months and up to 2 years to successfully finalise. Additional costs would be incurred by the developer for consultants required to provide the required assessment reports to adequately inform the Planning Proposal.

An example of consultancy costs is the need to address the issue that the Greengrove parcel is part of Council's Troy Sewage Treatment Plant operation, whereby it utilises treated effluent on farmland as a management solution for waste water. Whilst this is a highly monitored land use and a relevant part of the parcel is not irrigated, the utilisation for a residential health facility would require proof that the land is suitable for use via specialist consultant analysis.

A Planning Assessment Report would be required, which has the role of justifying the change to the Local Environmental Plan in respect of compliance with State Government legislations and Council policies, Strategic Plans and other development guidance. In addition, a servicing strategy would be required so the development could be adequately serviced (eg water and sewer infrastructure).

As with any Planning Proposal, there is a risk it would not be supported by the NSW Department of Planning and Environment on the basis that alternative and appropriately zoned sites are available.

A Health Services Facility is permitted with consent in the R2 Low Density Residential zone (prescribed zone) under State Environmental Planning Policy (Transport and Infrastructure) 2021. This is relevant to both the Spears Drive site purchased by the Western NSW LHD and the Council owned Bunglegumbie Road sites.

2.3 Contaminated Land

Some land put forward to Western NSW LHD is at risk of being contaminated due to historic use as a Sewage Treatment Plant operation at Bunglegumbie.

The two lots within the Council land in the North-West Urban Release Area fronting Bunglegumbie Road, and put to Western NSW LHD, have the same address as other lots in the former Bunglegumbie Sewage Treatment Plant site. The lot identified in the 2018 *Planning Advice Memo* is listed on Council's potentially contaminated land register. Whilst it should be noted that there are higher risk areas for contamination within the Council land, both parcels will require a contamination assessment by an appropriately qualified and

experienced consultant as they are contiguous with the Sewage Treatment Plant operation. This could cost between \$10,000 and \$150,000 depending on the site (based on work by consultants engaged by Council for matters on other land parcels) with a number of weeks required to undertake the analysis.

2.4 Subdivision Requirements

When considering appropriate parcels of land, it needs to be remembered that the proposed Spears Drive location is four hectares in size and that has been selected as suitable for an Alcohol and Other Drug Rehabilitation Centre by Western NSW LHD. The majority of Council owned land put before Western NSW LHD previously would require subdivision as it is significantly larger than four hectares. This would be required to provide the appropriate sized land parcel to meet Western NSW LHD requirements and ensure Council was being responsible in its role of managing land assets for the use of current and future generations as per Section 8 of the Local Government Act.

A subdivision process has certain requirements and costs that would be borne by the applicant. The Property and Planning teams within Council advise that for the purposes of creating a parcel of four hectares from a much larger parcel of Council owned land, the following costs and time periods are indicative as to what would be required:

Actions/ Service Required	Estimated Timeframe to Complete	Estimated Cost
Lot design	3 weeks	\$750.00
Procuring specialist reports (geo-tech, noise assessment, traffic, environmental, stormwater, flood, archaeological and cultural survey, contamination etc)	6 weeks	\$80,000.00
Drafting development application and lodgement with Council	4 weeks	\$5,414.00
Development application approval	6 weeks	-
Electrical and NBN design	6 weeks	\$5,000.00
Construction certificate plans	8 weeks	\$7,500.00
Drafting construction certificate application and lodgement with Council	1 week	\$2,652.00
Construction certificate approval	6 weeks	-
Quantity survey of proposed construction works	2 weeks	\$20,000.00
Appointment of project manager	1 week	\$4,500.00
Drafting tender for construction contractor	2 weeks	\$500.00
Tender process for construction contractor (advertisement period, assessment period, panel determination and report to Council)	8 weeks	-

Actions/ Service Required	Estimated Timeframe to Complete	Estimated Cost
Construction (includes an approximate timeframe of 18 months for services to be extended to the proposed lot, but excludes costs to extend services to the proposed lot – ie, it is assumed that the services are ready for connection)	See details in later section on utilities for time and cost.	Cost details dependant on design including road access.
Cadastral survey	2 weeks	\$4,720.00
Drafting subdivision certificate application and lodgement with Council (includes costs for developer contributions)	4 weeks	\$32,228.00
Subdivision certificate approval	6 weeks	-
Plan execution by relevant parties (Council under seal, Essential Energy, Jemena, etc)	4 weeks	-
Plan registration with LRS	8 weeks	\$1,227.60
Preparation of contract to dispose of land and undertaking conveyancing process	8 weeks	\$5,000.00
TOTAL:	85 weeks (excluding construction)	\$169,491.60

Note 1: Excludes construction costs and time.

Note 2: Some of these actions can run concurrently with others, potentially reducing the timeline by approximately 24 weeks should this be a priority for Council and other work of the Property branch is paused.

3. North West Urban Release Area – Draft Development Control Plan (DCP)

The North-West Urban Release Area Development Control Plan – Masterplan document was provided to Council at its June 2023 Ordinary meeting and subsequently resolved to be placed on public exhibition. The draft North-West Urban Release Area Development Control Plan – Masterplan is currently on public display until 7 August 2023. The draft Masterplan is shown in Figure 2.



Figure 2 North-West Precinct Masterplan

The outcome of the detailed analysis and urban design informing the draft Development Control Plan was not known at the time when the Chief Executive Officer, Mr M Wood, advised Western NSW LHD that Bunglegumbie Road properties could not be considered (as of 31 March 2022) because of the need to “*have the area structure planned for a mix of medium and low density housing by the end of this calendar year*”. It should also be noted that at that time, Council staff were still considering rural locations for the AOD Rehabilitation Facility rather than future urban areas, not knowing the service model of Western NSW LHD at that time.

This is a body of work that was considered by Councillors when setting the Chief Executive Officer’s performance objectives in February 2022 and subsequently resolved at the April 2022 Ordinary meeting of Council. In terms of progress against that Objective, at the 21 September 2022 Ordinary Meeting of Council the draft Structure Plan of the North West Urban Release Area was adopted by Council for the purposes of public exhibition.

One of the parcels put forward to Western NSW LHD is proposed, in the draft DCP, to be a school/education precinct as marked in yellow in Figure 2. The site was identified as being suitable for the provision of future State public infrastructure (education) to service the precinct and wider City of Dubbo as it grows. The specific site was chosen as it comprised appropriate low gradient land and is at the centre of the Precinct. The location of such a key land use was not known in 2018 and up until June 2023 when the draft master planning was completed and ultimately considered by Council. It is also the parcel of land where the new

access road, River Street West (working title), is to be delivered with \$9.23 million of partnership funding from the NSW Government.

The northern lots of Council owned land on Bunglegumbie Road that were included for Councillors' information in the 2018 *Planning Advice Memo* is proposed in the draft DCP to be a mix of:

- Linear parks intended to function as the green spine through the development and include storm water open channels, cycle and pedestrian paths with appropriate landscaping.
- Remnant native vegetation.
- Sporting facilities connected by cycle and pedestrian paths to urban areas.
- Housing, including the opportunity for innovative housing typologies with a mix of differing densities.

The linear areas identified in the draft DCP and Masterplan as 'green spaces' are based on analysis of overland flow paths for stormwater in the existing landscape that are expected to experience higher levels of water retention, suitable for the retention and further linkages of native vegetation and for the location of stormwater channels. These green spaces are also critical to the provision of pedestrian and cycling connectivity within the precinct. It is strongly recommended that land proposed for green spaces not be considered as appropriate for an Alcohol and Other Drug Rehabilitation Facility as it would compromise the urban design of the Release Area.

In regard to housing typologies, including the opportunity for Council to consider differing typologies and densities in the greenfield sites, the below image excerpt is reproduced from the NORTH-WEST URBAN RELEASE AREA DEVELOPMENT CONTROL PLAN – MASTERPLAN (page 28 or page 820 of the 22 June 2023 Council Business papers).

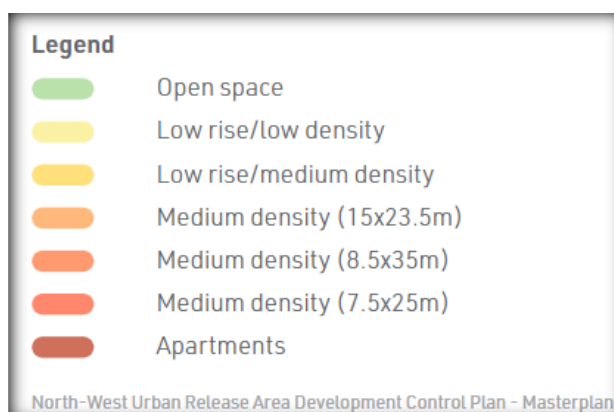




Figure 3 above Northern portion of Council owned land on Bunglegumbie Rd - North-West Precinct Masterplan

Council could choose to sell, transfer or exchange land with NSW Health for land identified in the DCP for housing. It should be noted that this land provides a real opportunity cost for the future community of Dubbo. As an example in today's dollars, four hectares x \$370 per square metre x 0.6 (percentage factor to account for land used for roadways etc) could realise approximately \$8,890,000 in income by selling low density residential land.

In addition, the Macquarie-Wambuil River flats associated with the northern portions of Council owned land that front Bunglegumbie Road also include recently installed water supply bore and pipeline infrastructure as identified in Figure 4 below. In this regard, it is not appropriate for the directly related portion of that land to be available for the purposes of an Alcohol and Other Drug Rehabilitation Facility.



Figure 4 Location of bores in the northern portion of Council owned land on Bunglegumbie Rd - North-West Urban Release Area. These bores have associated electrical and pipeline infrastructure on the floodplain.

In summary, there is land identified in the North West Urban Release Area that is Council owned and should not be considered for the purposes of an Alcohol and Other Drug Rehabilitation Facility.

This necessitates, should Council consider it appropriate, the need for a subdivision to ensure that any land package proffered by Council to Western NSW LHD maintains the integrity of good urban design contained within the draft DCP, ensures infrastructure delivery is not compromised and adheres to the principles behind the North-West Urban Release Area Master Plan.

An Alcohol and Other Drug Rehabilitation Facility and the North West Urban Release Area Master Plan are not mutually exclusive. The potential land use conflict and an opportunity cost should at least be considered by Council when determining whether to proffer a specific land package to Western NSW LHD.

It should be noted that the risk of strategic landuse conflict on Bunglegumbie Road land belonging to Council is consistent with internal staff advice provided to the then Director Community and Recreation in August 2018 as contained within the *Planning Advice Memo* referenced earlier in this report.

4. Cost Shifting

Local Government NSW (LGNSW), Councils' sector-wide representative body in NSW, defines cost shifting as "*where a higher level of government transfers the responsibility and/or cost of providing a service, concession, asset or function to a lower level of government without the corresponding funding*" (downloaded [Finance | LGNSW](#)). It has been a subject of concern in the local government sector for over two decades.

More definitively, LGNSW in its Annual Report 2021/2022 (page 12) describes the issues in regard to rural and regional health services as follows:

"IMPROVE RURAL & REGIONAL HEALTH SERVICES

While healthcare is a State and Federal Government responsibility, councils often find themselves with no choice but to take on additional responsibilities to support their communities. That's why we have consistently sought urgent action from the NSW and Federal governments to adequately and fairly fund the provision of healthcare across NSW."

It is known that a transfer of land ownership took place between Western NSW LHD-Health NSW and Property NSW to the value of \$1.42 million. It should be noted that this was a real financial transaction between agencies, a purchase based on market rates and will be recorded so on the audited financial accounts of both parties. Land is an asset with real monetary value within an agency such as Property NSW and typically there is no gifting between agencies. \$1.42 million should be considered as significant from a Council financial perspective.

As part of the Western Alliance of Councils, Council shares insights and information between the Councils ranging from Mid-Western Regional Council (Mudgee) through to Bourke Shire Council. In regard to a precedent of a local government gifting land to NSW Health for the provision of their services, all general managers were asked for the experience of communities in their Local Government Areas. The responses were as follows:

- *“Do not provide anything to NSW Health. We built a medical centre about 20 years ago and the tenants pay a commercial rental.”*
- *“Has recently sold land to an Aboriginal Health Service for the construction of an Aboriginal health facility, which is currently being built. The land was sold at its land value, determined by independent valuer. Council did have to convert the land from community to operational use for the land to be sold. This did come at some expense to Council to undertake the process.”*
- *“No examples of Council gifting land to the state, our examples relate to vacant crown land being repurposed for emergency service uses. More recently, we had to buy unoccupied land from the state with the intention to build Specialist Disability Accommodation.”*
- *“Council did provide land for the new Hospital which is adjacent and now connected to our retirement village and in return we received significant building upgrade which allowed us to increase our beds by 10.”*
- *“No, not to the NSW Health.”*
- *“No but we have donated land for the RFS new headquarters.”*
- *“Offered one of our staff units to NSW Health to house a nurse to alleviate the chronic nurse shortage. It would be at market rental though.”*
- *“Not donating any lands to NSW Health, however Council owns the X Medical Centre and leases to a doctor and also owns the building that the X Area Medical Centre doctors practice from and lease to the doctors. Council is currently leasing a house to the LHS for staff, this is at a market rate.”*

Alcohol and Other Drug Rehabilitation (AOD) rehabilitation services are a core service of the NSW and Australian Governments. This is reflected in both the testimony given to and recommendations of the NSW Upper House Inquiry *“Provision of drug rehabilitation services in regional, rural and remote New South Wales”* (NSW Parliament. Legislative Council. Portfolio Committee No.2 – Health and Community Services. August 2018).

The then Councillor S Lawrence, on behalf of the then Mayor B Shields, represented Dubbo Regional Council as a witness to the Inquiry and in part stated that:

“As a council we are determined to be the voice for the community on these issues and we will continue to advocate and play an enabling role to assist in services being provided. There is, of course, a limit to what we can do. The ratepayers of our LGA cannot and should not bear the burden of the capital expenditure and the recurrent budget of rehabilitation centres, drug courts and the like. These things are fundamentally State and/or Federal Government responsibilities.”

(Transcript Inquiry into The Provision of Drug Rehabilitation Services in Regional, Rural and Remote New South Wales. Corrected. At Dubbo on Wednesday 9 May 2018.)

Further to the Inquiry, reinforcing that AOD rehabilitation services are a responsibility of the NSW Government, Recommendation 5 within the final report of the Inquiry states that “*the NSW Government pilot a Drug Court in Dubbo in parallel with an increase in rehabilitation services for the area*”.

There were no recommendations within the final report calling for local government, in the six subject regional locations, to fund any element of rehabilitation services in NSW. The regional locations of focus for the Inquiry were Nowra, Batemans Bay, Grafton, Lismore, Dubbo and Broken Hill.

This section discussing ‘Cost Shifting’ is not to say Council should or should not gift land to the NSW Government. Rather cost shifting is a financial issue that should at least be considered by Councillors as part of their deliberations as to the sale, exchange or transfer of land given it is a real capital expense of a NSW Government project.

5. Legal Obligations - Australian Government Grant Funding

It should be noted that in January 2022, Council in collaboration with Western NSW LHD and Australian Government novated the Australian Government's Community Health and Hospitals Program grant funding deed from Dubbo Regional Council to Western NSW LHD. The grant and its obligations are, from that time, the responsibility of Western NSW LHD.

The Funding Deed (attached **Appendix 1**) did not have the contribution of land by Council as a requirement expressed as a condition of Australian Government funding.

The Milestones outlined in the contractual agreement specified the following:

- A Business Case submitted by Dubbo Regional Council was Milestone 1 which saw \$1.5 million paid to Council.
- The next Milestone that would secure payment was Milestone 3 - An Activity Plan and Budget accepted by the Department. This is now the responsibility of Western NSW LHD as part of the novated Funding Deed.

In the correspondence between Council and the Department of Health (Australian Government), in preparation for coming to an agreement, the then Chief Executive Officer, Mr M McMahon, advised the Department (dated 20 December 2019) that Council was “*unable to complete the funding agreement in the following areas:*”

B.8 The Property (see Supplementary Condition 5)

The Property is the parcel of land known as [insert street address] being the whole of the land comprised in [insert title reference as shown on the title search for the Property].

Council have identified a number of parcels of land options. The State Government are yet to make any commitments for funding for the AOD facility in the Dubbo LGA. The parcel of land will be determined in consultation with the successful tenderer.”

The funding agreement was still entered into by both parties in early 2020.

6. Utilities – Water and Sewer Services

Using Bunglegumbie Road land (see Figure 5 below) to the very north of Council owned property in that location as an example as to the expense of servicing undeveloped lots, the Water Supply and Sewerage Branch provided the following advice with regard to extending services to the black dash area within Figure 5 below:

- Water mains – 1,300m extension from the intersection of Spears Drive due to the age of existing infrastructure. DN150 PVC-o pipe at 800mm cover - \$450 L/m = \$585,000.
- Gravity sewer – 1,050m extension from West Dubbo trunk sewer, located on the eastern edge of the lot near the Macquarie River. DN150 PVC-u at 1,500mm cover - \$450 L/m = \$472,500.
- Power – no three phase low voltage power is available in the location. Council would need to allow \$250,000 for the extension of power lines and the provision of a pad-mounted substation.
- As there are no designs for any of the above, allow between 30-50% contingency.
- A design would take approximately three months, with construction to take approximately three months after securing materials. Tender processes will add typically 6 to 8 weeks to this timeframe.

In summary, the proponent of a development in northern lots of Council owned land at Bunglegumbie would be required to spend approximately \$1.7 million using a 30% contingency and allocate 32 weeks for construction to be completed.

It is understood that Health Infrastructure have undertaken similar due diligence regarding water and sewer connection via Public Works and arrived at a similar figure that exceeds the available Western NSW LHD project budget. Available connection to water and sewerage services is one of the site specifications, now known by Council, required by Western NSW LHD for any parcel they would consider.



Figure 5

- Red Area – Owned by Dubbo Regional Council.
- Green Area – Privately owned.
- Blue Area – Owned by a Deregistered Corporation.
- Black Dash Area - Bunglegumbie Road land to the very north of Council owned property – an approximate 4ha area highlighted to be used as an example only.

Other difficulties with this location include the multiple owners, one being a long deregistered company defined by the blue shading in Figure 5, and the road geometry making a simple driveway entrance problematic.

The Local Government (General) Regulation 2021 (The Regulation) must also be considered by a proponent and by Council as a water and sewer authority. “Part 2 Approvals” of The Regulation specifies requirements of connection to water and sewer infrastructure as well as the requirements for a sewage management facility if it is not to be connected directly to Council’s infrastructure.

An Alcohol and Other Drug Rehabilitation Facility proposed to be constructed on a parcel of land such as north Bunglegumbie or Greengrove without mains connection (ie a stand-alone sewage management system) would find it challenging to obtain regulatory approval. A relevant part of The Regulation is specified in “Part 2, Subdivision 5 Accreditation of sewage management facilities” which states, in part:

“40 Application of Subdivision

(1) This Subdivision applies to such models of the following sewage management facilities as are generally available for purchase by retail—

(e) holding tanks and collection wells used for the receipt and storage of effluent (other than those intended to be emptied after each use, such as chamber pots),

(g) waste treatment devices that receive and treat sewage before discharging effluent to a common effluent drainage scheme.

(2) However, this Subdivision does not apply—

(a) to a sewage management facility intended to treat—

(i) sewage of a non-domestic nature, or

(ii) sewage from premises normally occupied by more than 10 persons”

The Regulation has other sections that would also need to be addressed by a development proponent. This is likely to incur significant costs to a project such as an AOD Rehabilitation Facility and therefore a proposal that avoids sewer mains connection is not likely to be viable within the existing budget of Western NSW LHD.

7. Interaction with Subdivision Approval and Approval from Water Authorities

This matter relates to the differing roles Council has, being a consent authority for planning approvals, a Water Authority and a potential owner of subject land.

Under the Environmental and Planning Assessment Act 1979, Council as an approval authority has to consider the Objects of the Act being Part 1 Preliminary, Section 1.3. This includes:

“c) to promote the orderly and economic use and development of land,...

i) to promote the sharing of the responsibility for environmental planning and assessment between different levels of government in the State,...”

The NSW Department of Planning and Environment details what is required for a subdivision (see the following link).

<https://www.planningportal.nsw.gov.au/development-and-assessment/post-consent-certificates/subdivision-certificate>

It can be seen at the Planning Portal the documentation required for a Subdivision including a Certificate of Compliance from the Water Authority for the satisfactory provision of water and sewer infrastructure to the land.

There is a challenge for a site that is within the following zones that is seeking to develop well ahead of the existing water and sewer infrastructure of Council:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential

The following information is provided using the northern parcels of Bunglegumbie Council land as an example of R2 Low Density Residential Land currently and land that will form part of a Planning Proposal process in the near future to change the zone to R1 General Residential, which is consistent with the North West Urban Release Area strategic planning.

A Health Facility for the purposes of AOD Rehabilitation would need potable water provided by Council as a Water Authority. As described previously this would come at a cost that the developer would pay for given it is well outside of existing services.

Council's Water Supply and Sewerage Branch, being the Water Authority, are of the view that the effluent management by a medical treatment facility would need to address the risk of the location within a proposed urban area and its adjacency to a water supply aquifer. It should be noted that concentrated effluent from such a facility would contain traces of medicines which could be endocrine disruptors should they be released into the environment. Without connection to sewer mains, the proponent of a subdivision for an AOD Rehabilitation Facility at a location such as Bunglegumbie would need to provide detailed evidence of its standalone sewer management system and how it meets Water Authority (Council) standards.

As stated in Section 6 of this report, a stand-alone sewage management system is likely to incur significant costs for an AOD Rehabilitation Facility proposal and therefore a proposal that avoids sewer mains connection is not likely to be viable within the existing project budget of Western NSW LHD.

A further consideration for a lot such as the 90 hectare parcel at northern Bunglegumbie is that the subdivision of a lot can be undertaken without services being present and Council has done this in the past in very limited circumstances. Any lot created under this type of arrangement is classified as a residue lot and Council would ordinarily place a Section 88B Restriction reflecting its status as a 'residue' lot that does not have reticulated services. This would place all the emphasis on the consideration of how the land can be used and serviced at the development approval stage. However, Council knows the intended use being an AOD Rehabilitation Facility and the land cannot be described as a residue lot awaiting definition as to the future development. This would not be an appropriate use of the 'residue lot' subdivision and both Council (as landowner) and the NSW Government (as developer) should not be proponents seeking to work outside the rules of 'orderly' development.

In summary for the Bunglegumbie area, the development of the north-west sector will be fully serviced by water and sewer infrastructure so it is unlikely that Council would permit an allotment that wasn't serviced. That would not be considered 'orderly' development as required by the Environmental Planning and Assessment Act.

As with water services, a developer moving ahead of Council's infrastructure delivery would be required to pay for the sewer mains extension to an AOD Rehabilitation Facility at a location such as the northern Bunglegumbie lots or Greengrove.

Consultation

- Western NSW LHD were consulted to confirm their specifications and their commitment to assess proffered land parcels in good faith.
- Western NSW LHD raised the constraint of no new funding being available to procure/service land and that they did not have allowance to delay substantially the project from existing timelines. The phrase "months not years" defining a tolerable delay.
- Western NSW LHD held a briefing session with Councillors on 13 July 2023.
- Council's legal advisors were consulted to ensure correct application of Acts and Regulations.

Resourcing Implications

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)
a. Operating revenue	0	0	0	0	0
b. Operating expenses	Site Specific - Not able to be defined at this time.	0	0	0	0
c. Operating budget impact (a – b)	0	0	0	0	0
d. Capital Expenditure (Potential land gift)	1.42Mill	0	0	0	0
e. Total net impact (c – d)	-1.42Mill	0	0	0	0

Does the proposal require ongoing funding? No


What is the source of this funding? Water Supply and Sewerage (capital costs)

Table 1. Financial Implications of Council gifting land to Western NSW LHD

Next Steps

- Council determine whether a land parcel shall be offered to Western NSW LHD for the purposes of an AOD Rehabilitation Facility be it by sale, exchange or transfer.
 - It should be noted that, based on specifications of Western NSW LHD and the constraints expressed by the Minister of Health being no additional costs and no significant delays, there is not a suitable parcel of land in Council's portfolio that is equal to or better than the already acquired Spears Drive site.

APPENDICES:

- 1  Executed Funding Deed Provided under separate cover



REPORT: Coalition of Regional Energy Mayors (CoREM)

DIVISION: Chief Executive Officer
REPORT DATE: 19 July 2023
TRIM REFERENCE: ID23/1808

EXECUTIVE SUMMARY

Purpose	Seek decision	
Issue	Invitation to join the Coalition of Regional Energy Mayors (CoREM) under the Terms of Reference.	
Reasoning	<ul style="list-style-type: none"> • Council has been invited to join the CoREM a body that seeks to represent the interests of councils throughout the Renewable Energy Zones of NSW. • Council currently works collaboratively with Mid-Western Regional Council, Warrumbungle Shire Council, EnergyCo, NSW Department of Planning and Environment and Department of Regional NSW on the CWO REZ. 	
Financial Implications	Budget Area	Governance (if membership is resolved)
	Funding Source	N/A
	Proposed Cost	\$5,000
	Ongoing Costs	Per annum membership and travel as required
Policy Implications	Policy Title	N/A
	Impact on Policy	N/A

STRATEGIC DIRECTION

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

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.2 Council's decision-making processes are open, transparent and accountable

RECOMMENDATION

- 1. That the information contained within the report of the Chief Executive Officer dated 19 July 2023, be noted.**
- 2. That Council determines its position on being a fee paying member of the Coalition of Regional Energy Mayors (CoREM).**

Murray Wood
Chief Executive Officer

MW
Chief Executive Officer

REPORT

On 18 May 2023, a letter of invitation was extended to Mayor Mathew Dickerson for Dubbo Regional Council to join the Coalition of Regional Energy Mayors (CoREM) in respect of Councils within the differing Renewable Energy Zones (REZ) of NSW. The letter also included a Terms of Reference document for the Coalition (**Appendix 1**).

As Councillors would be aware, Dubbo Regional Council has been collaborating with EnergyCo for many months in respect of the Central-West Orana Renewable Energy Zone (CWO REZ) and the opportunities that could be harnessed for our Local Government Area, particularly in Wellington and surrounds where the CWO REZ will be developed.

The cost of membership is \$5,000 per annum and the Terms of Reference spell out how the CoREM organisation will operate. There a range of local government areas to be found within all of the Renewable Energy Zones of NSW (figure 1). It should be noted that the Central West Orana REZ is the most advanced of the REZs and therefore the associated Councils have had more exposure to the challenges and opportunities a REZ presents for community. This necessarily means there will some differing views compared to Councils in other regions.

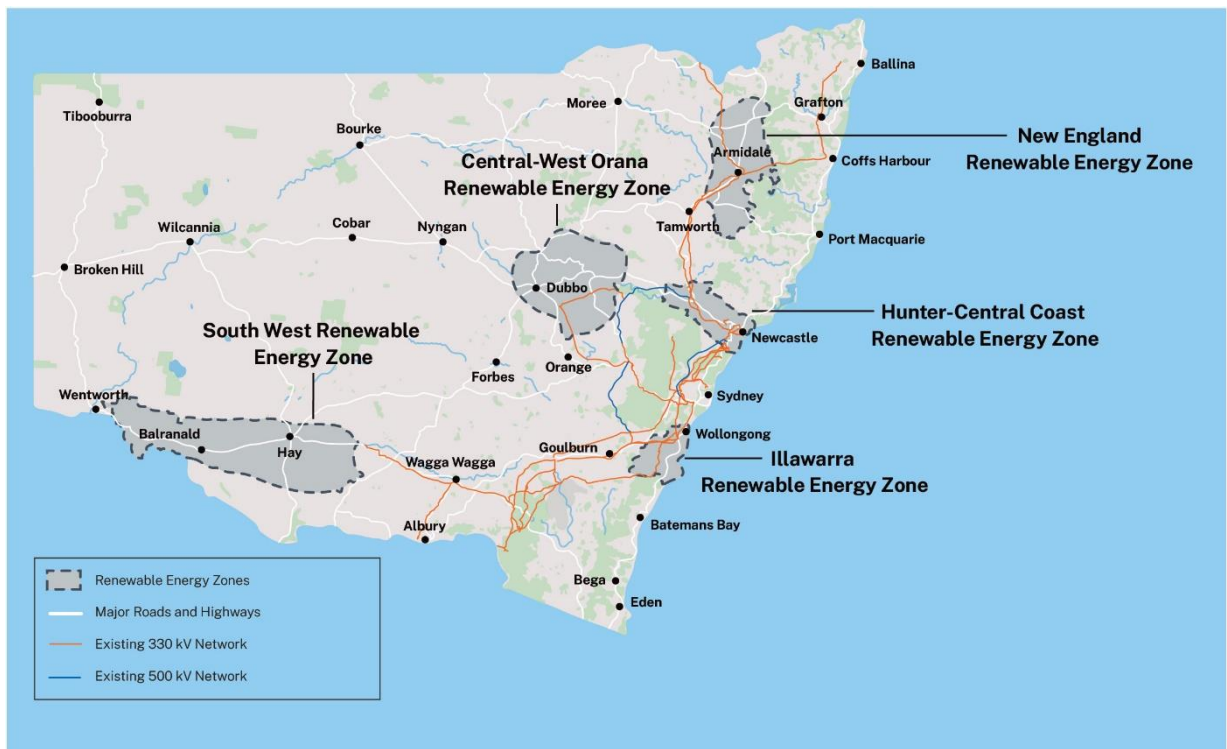


Figure 1: Renewable Energy Zones of NSW currently. (Sourced [Renewable Energy Zone locations | EnergyCo \(nsw.gov.au\)](https://www.energyco.nsw.gov.au/renewable-energy-zones))

Separately, it should be noted that an operational CWO REZ Steering Committee has been established to ensure a whole of government REZ coordination and accountability for delivery of actions to mitigate cumulative impacts and provide community benefits in the CWO REZ. Membership of the Committee includes Dubbo Regional Council, Mid-Western Regional Council, Warrumbungle Shire Council, EnergyCo, NSW Department of Planning and

Environment and Department of Regional NSW. The Steering Committee is establishing specific Project Groups to provide focus on specific important areas such as housing and accommodation, environmental delivery coordination (e.g. waste), transport and logistics, economic participation and Development and social services. These Project Groups will comprise of the Steering Committee members, other Government agencies and non-government organisations as they relate to the Groups.

The first meeting of the Steering Committee was held on 18 July 2023 and a draft Terms of Reference for the Committee was discussed. Once the Terms of Reference document has been finalised, it will be presented to Council for consideration in August.

Consultation

- Discussions on the invitation were held between the Mayor and the Chair of CoREM - the Mayor of Armidale.
- Concerns have been raised in regards to the fee structure and elements of the Terms of Reference at a CoREM meeting held on 26 May 2023 with Dubbo Regional seeking some changes. None have been made to date.

Resourcing Implications

- Monies will have to be allocated from the Governance function for the \$5,000 membership should Council resolve to join CoREM.

APPENDICES:

1 ⇒ Invitation - Coalition of Regional Energy Mayors CoREM
Including Terms of Reference

Provided under
separate cover



REPORT: Draft Bindari Estate Development Control Plan - Results of Public Exhibition

DIVISION: Development and Environment
REPORT DATE: 12 July 2023
TRIM REFERENCE: ID23/1199

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Seek endorsement Fulfil legislated requirement 	
Issue	<ul style="list-style-type: none"> Council at its meeting on 29 March 2023 adopted a draft Development Control Plan for Bindari Estate (Hennessy Drive, Dubbo – Lot 103 DP1286114) for the purposes of public exhibition. The draft DCP incorporates objectives, performance measures and acceptable solutions in relation to residential subdivision, development and landscaping, and complements the provisions of the existing Dubbo DCP 2013. The draft DCP was placed on public exhibition from 1 May 2023 to 5 June 2023. Council received two submissions during the public exhibition period. Subject to adoption, any future development applications on the land will need to take the DCP into consideration. 	
Reasoning	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979. Clause 6.3 of the Dubbo Regional LEP 2022 requires a DCP to be prepared before development consent can be granted on land in an Urban Release Area. 	
Financial Implications	Budget Area	Growth Planning
	Funding Source	Application fees
	Proposed Cost	Council received \$10,500 upon lodgement as part of the required fees.
	Ongoing Costs	Nil
Policy Implications	Policy Title	Dubbo Development Control Plan 2013
	Impact on Policy	Upon adoption the draft DCP will provide development guidance for the land.

STRATEGIC DIRECTION

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

Theme: 1 Housing

CSP Objective:	1.1 Housing meets the current and future needs of our community
Delivery Program Strategy:	1.1.1 A variety of housing types and densities are located close to appropriate services and facilities
Theme:	1 Housing
CSP Objective:	1.2 An adequate supply of land is located close to community services and facilities
Delivery Program Strategy:	1.2.1 Land is suitably zoned, sized and located to facilitate a variety of housing types and densities

RECOMMENDATION

- 1. That Council adopt the draft Bindari Estate Development Control Plan (attached in Appendix 1).**
- 2. That Council note the submissions received during the public exhibition period (attached in Appendix 2).**
- 3. That the draft Bindari Estate Development Control Plan come into effect on 31 July 2023.**

Steven Jennings
Director Development and Environment

TH
Team Leader Growth
Planning Projects

BACKGROUND

1. Previous Resolutions of Council

13 April 2023 IPEC23/11	<ol style="list-style-type: none">1. <i>That Council adopt the draft Bindari Estate Development Control Plan...for the purpose of public exhibition only.</i>2. <i>That the draft Bindari Estate 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.</i>3. <i>That Council undertake consultation with the Dubbo Aboriginal Community Working Party, traditional owners and other stakeholders in respect of the proposed Estate name "Bindari."</i>4. <i>That following completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.</i>
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2. What is a Development Control Plan

A Development Control Plan (DCP) provides detailed planning and guidance to support the aims, objectives and planning controls in the Dubbo Regional Local Environmental Plan (LEP) 2022.

A DCP is a locally adopted plan that guides developers, landowners, Council and the community on how land can be developed and change over time, and includes measures such as planning principles, objectives, performance measures and acceptable solutions. It aims to ensure we can continue to develop our urban area with a strong emphasis on overall liveability, quality and sustainability.

REPORT

1. Details of the Development Control Plan

A proponent-initiated draft DCP was received from Compass Consulting Surveyors to provide detailed planning and design guidance for the future development at Bindari Estate (Hennessy Drive, Dubbo – Lot 103 DP1286114). The draft DCP will apply to the land identified in **Figure 1**.

It is important to note that land to the east of the site is also within the South-East Urban Release Area, which will be subject to a separate DCP.

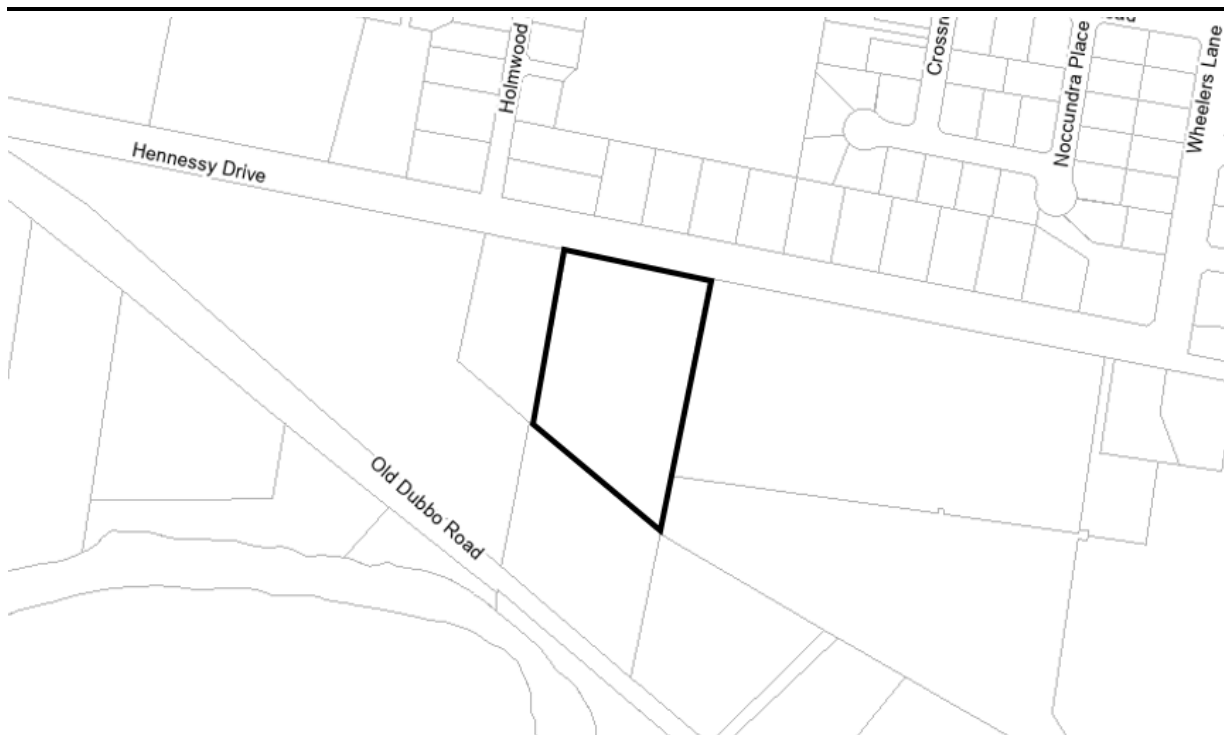


Figure 1 – Land to which the DCP applies

The draft DCP consists of the following components:

- Part 1 – Introduction
- Part 2 – Residential Subdivision and Development
 - Part 2.1 – Residential Subdivision Controls
 - Part 2.2 – Residential Design Controls
 - Part 2.3 – Landscaping Controls

2. Public Exhibition and Submissions

The draft DCP was placed on public exhibition from 1 May 2023 to 5 June 2023. Council received two submissions during the public exhibition period (attached in **Appendix 2**). It was publicly notified in the following ways:

Channel	Date
Council Website	1 May 2023 – 5 June 2023
Dubbo Customer Experience Centre	1 May 2023 – 5 June 2023
Dubbo Macquarie Regional Library Branch	1 May 2023 – 5 June 2023
Daily Liberal Council Column	3, 10, 17 and 24 May 2023

(a) Consultation with the Dubbo Aboriginal Community Working Party

The Dubbo Aboriginal Community Working Party, including Council’s Aboriginal Liaison Officer, met on 11 April 2023. The Working Party supported and endorsed the cultural naming of Bindari, and are happy to support Council with the process of cultural naming of the estates in the future.

(b) Submission – Compass Consulting Surveying

The submission provided the following information:

- Road widths are inappropriate and should be 16m to 18m instead of 20m.
- Street trees to be provided should be considered at the residential development stage instead of the subdivision stage as it undermines the future driveway locality.
- Future residential allotments should be limited to one (1) street frontage instead of multiple street frontages. The DCP should not require the applicant to address frontages for Hennessy Drive or secondary frontages i.e. temporary local roads.
- Building envelope controls should be supported by restriction of use on land instead of setbacks controls

The following information provides a relevant response in respect of the issues raised in the submission:

(i) Road widths

Part 2.1, Element 3 – Street Design and Road Hierarchy of the publicly exhibited DCP required road reserve widths to be 20 metres wide and include a 12 metre wide central carriageway.

The main function of the road is to collect local traffic. The width has been reduced to 16 metres, including an 8 metre wide central carriageway (identified in **Figure 2** below). This width is considered reasonable and will still achieve the associated objective of the street network being sufficient to cater for all street functions.

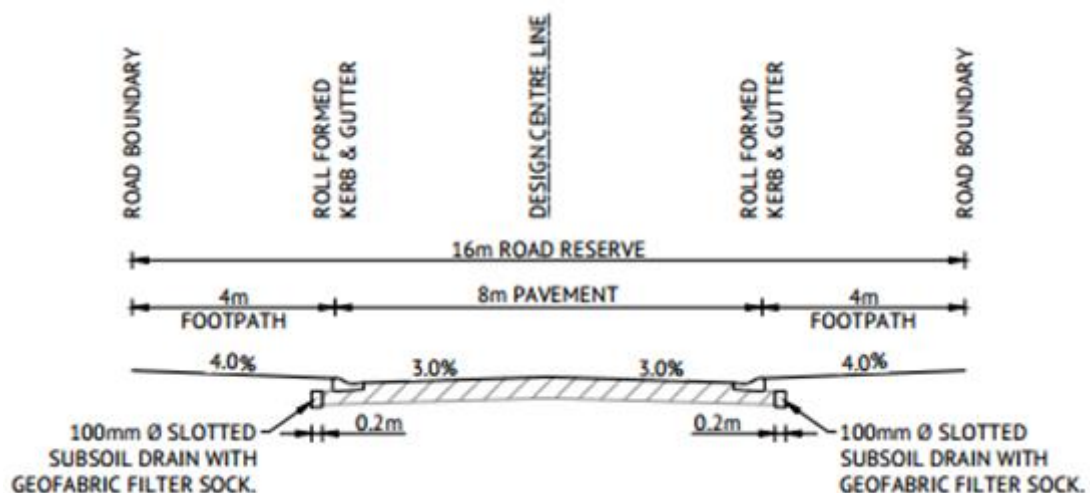


Figure 2: Road reserve width

(ii) Street trees

Council recognises the importance of street trees throughout the Local Government Area. Part 2.1, Element 8 – Street Trees requires two street trees to be provided per lot in accordance with the requirements of Council’s Community, Culture and Places Division. This aims to ensure street trees are considered in conjunction with all necessary infrastructure

and easements, potential driveway locations and road verges. The objectives of this part require natural features and vegetation to be emphasized in the design of the subdivision.

Prior to the issue of a subdivision certificate, Council may consider an appropriate bond being paid in lieu of street trees being planted to avoid potential damage from future construction work. This issue will be further addressed at the development application stage.

(iii) Street frontages

Part 2.2, Element 1 – Architectural Design requires residential development on corner lots to address both street frontages, and development with frontage to Hennessy drive to incorporate elements to address the primary frontage and Hennessy Drive. This is to ensure development is adequately detailed for visual interest and does not present as large, unbroken walls. The intended outcomes can be achieved in various ways, for example façade articulation, entry features, awnings and suitable fencing treatments. This is also a requirement of the existing Dubbo DCP 2013.

(iv) Building envelopes

Part 2.2, Element 1 – Building Envelopes incorporates setbacks to help determine the location of development and ancillary structures, and allow development to complement the character and streetscape of the surrounding neighbourhood. Building envelope controls have not been used in any other Council Development Control Plans. Building envelope controls may be suitable on land subject to constraints, but the site is relatively constraint-free.

A development proponent is able to nominate building envelope controls through a Section 88B Instrument under the provisions of the Conveyancing Act, however, Council would not be the body listed in the Instrument as having the power to release, vary or modify the Restriction and would effectively become a private covenant on the land. It should also be noted that in accordance with Clause 1.9A of the Dubbo Regional Local Environmental Plan 2022, any covenant that restricts the carrying out of development will not apply to the extent necessary to serve that purpose, unless it has been imposed by Council. This means that Council does not necessarily need to adhere to the Restriction as part of the development assessment process.

It is considered that there is no identified need to include a requirement for building envelopes in the Development Control Plan.

(c) Submission – Jan Wilkin

The submission provided the following information:

- *This area should be public open space including BBQ facilities and associated car parks, to help encourage access to the zoo and be a destination point for family outings.*

(i) **Public recreation**

The intent of this site specific DCP is to encourage ‘best practice’ solutions to create an attractive neighbourhood by encouraging high quality urban design outcomes and protecting environmental assets. The site is not identified within Council’s Open Space Master Plan 2018 as being required for open space purposes. However, development on the land will have appropriate connections to Council’s green ring and other open space areas. Due to the area and minimum lot size requirements of the site, public open space within it is not required to be provided.

3. Resourcing Implications

Council received \$10,500 upon lodgement as part of the required fees.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	10,500	0	0	0	0	0
b. Operating expenses	10,500	0	0	0	0	0
c. Operating budget impact (a – b)	0	0	0	0	0	0
d. Capital Expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	0	0	0	0	0	0
Does the proposal require ongoing funding?	No					
What is the source of this funding?	Not applicable					

Table 1. Ongoing Financial Implications

4. Next Steps

Subject to adoption, any future development application on this site will need to take into consideration the DCP in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

APPENDICES:

- 1⇒ Draft Development Control Plan Provided under separate cover
- 2⇒ Submissions Provided under separate cover



REPORT: Draft Net Zero Framework for Council Operations

DIVISION: Development and Environment
REPORT DATE: 11 July 2023
TRIM REFERENCE: ID23/1566

EXECUTIVE SUMMARY

Purpose	The draft Net Zero Framework is provided to Council for consideration and adoption for the purposes of public consultation.	
Issue	<ul style="list-style-type: none"> Addressing climate change will require both mitigation (reduction of emissions) and adaptation measures. The purpose of the Net Zero Framework is to provide Council with an overarching blueprint for reducing greenhouse gas emissions to net zero for operations by 2050. 	
Reasoning	<ul style="list-style-type: none"> The requirement for Council to achieve 'net zero emissions' is included in Council's Towards 2040 Community Strategic Plan (Objective 6.1). Council's 2022/2023 Operational Plan Action 6.1.2.4 also requires Council to 'prepare a Net Zero Strategy for Council and Council operations'. 	
Financial Implications	Budget Area	Development and Environment
	Funding Source	This work has been partly funded through the NSW Government's Sustainability Advantage (SA) Program of which Council is a member. Consultant 100% Renewables was engaged by SA to assist in the development of the document and conduct some staff engagement.
	Proposed Cost	An additional \$12,000 in Council funds was allocated to complete this project and to engage consultant 100% Renewables to complete additional staff consultation and engagement.
	Ongoing Costs	Issues in aspect of ongoing financial costs are further considered in the body of the Report.
Policy Implications	Policy Title	Community Strategic Plan Delivery and Operational Plans Energy Strategy and Implementation Plan Zero Emissions Fleet Strategy and Implementation Plan Waste Strategy and Implementation Plan (to be developed) Procurement Policy
	Impact on Policy	Please refer to the 'Resourcing Implications' section below.

STRATEGIC DIRECTION

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

Theme: 6 Environmental Sustainability
CSP Objective: 6.1 We achieve net zero emissions
Delivery Program Strategy: 6.1.1 Investment in renewable energy opportunities is encouraged and supported

Theme: 6 Environmental Sustainability
CSP Objective: 6.1 We achieve net zero emissions
Delivery Program Strategy: 6.1.2 Council buildings and facilities are energy efficient, carbon neutral and utilise renewable energy sources

Theme: 6 Environmental Sustainability
CSP Objective: 6.1 We achieve net zero emissions
Delivery Program Strategy: 6.1.3 Alternative modes of transport are available

RECOMMENDATION

- 1. That the draft Net Zero Framework for Council Operations (attached in Appendix 1) be adopted by Council for the purposes of public exhibition and consultation only.**
- 2. That the draft Net Zero Framework for Council Operations be placed on public exhibition for a period of not less than 28 days and education and consultation activities be undertaken across the community.**
- 3. That following completion of the consultation process, a further report be presented to Council for consideration, including the results of the public exhibition.**

Steven Jennings
Director Development and Environment

JL
Manager Resource
Recovery and Efficiency

BACKGROUND

1. Previous Resolutions of Council

Council has adopted a number of previous resolutions aimed at reducing greenhouse gas emissions from its operations, with key resolutions outlined below:

24 February 2020 CCL20/25	<ol style="list-style-type: none">1. <i>That the report by the Organisational Sustainability Coordinator dated 6 February 2020, be noted.</i>2. <i>That Council adopt the Dubbo Regional Council Energy Strategy and Implementation Plan 2020 – 2025 be adopted.</i>
23 March 2020 CCL20/45	<ol style="list-style-type: none">1. <i>That the report by the Organisational Sustainability Coordinator, dated 4 March 2020 be noted.</i>2. <i>That Council determine whether it would like to become a member of the Cities Power Partnership Program.</i>3. <i>That Council agree to the five key actions nominated within this report, should membership be supported, to form its Cities Power Partnership Program Pledge.</i>
8 December 2022 CCL22/320	<ol style="list-style-type: none">1. <i>That Council adopt the Zero Emissions Fleet Strategy and Implementation Plan (attached in Appendix 1).</i>2. <i>That an advertisement be placed in local media advising of Council's adoption of the Zero Emissions Fleet Strategy and Implementation Plan.</i>

2. Why does Council need to reduce its greenhouse gas emissions

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

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

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

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

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

3. What does achieving 'net zero' emissions mean and why it's important

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

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

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

At the end of 2022, the ISO issued its Net Zero Guidelines to bring more clarity to the definition of net zero and support best practices to achieve it. The key clarification is that net zero and carbon neutral are two different concepts, albeit not exclusive. Carbon neutrality is a short-term goal where an organisation can compensate current emissions by retiring an equivalent amount of carbon offsets, while 'net zero' is a target you aim to reach in the long term.

'Net zero' is a much higher standard that is sustained over time where the priority is given to deep decarbonisation with carbon removal offsets used only after all possible emissions reduction actions have been taken, to compensate eventual residual emissions.

For Council, the goal of the Net Zero Framework is to achieve a significant reduction in emissions, aiming for zero or close to zero (typically at least 90% reduction based on best practice) by a target date, usually by or before 2050.

To address any remaining emissions, the draft Framework includes Council utilisation of carbon offsets to neutralise environmental impact. This approach aligns with global climate goals and emphasises the importance of taking action to mitigate greenhouse gas emissions.

4. What are the global to local commitments for reducing greenhouse gas emissions

Key agreements and reports that underpin international consensus to act to reduce emissions include the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals, the 2015 Paris Agreement, and the IPCC Sixth Assessment Reporting cycle (AR6).

In Australia, the commitment to addressing climate change and to reducing emissions is becoming more uniform and aligned towards international goals across all levels of government. This includes ambitious efforts towards decarbonisation by the middle of the century. The Federal Government has legislated emissions reduction of 43% by 2030 (from 2005 levels) and is committed to net zero by 2050.

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

Table 1 highlights that Bathurst, Tamworth, Albury and Wagga Wagga councils have all set targets to achieve net zero emissions within their operations by 2050 at the latest. Bathurst Regional Council has adopted to achieve 25% emissions reduction by FY 2025, a 60% (aspirational) emissions reduction by FY 2035, and net zero emissions by 2050 or earlier where cost effective and feasible. Whilst Orange City Council does not have a net zero target it has adopted a *Climate Change Management Plan* in 2021 which outlines how Council will reduce emissions within its operations.

Town	Pop.	Own and Operate Landfill	Target Baseline Year	Corporate Net Zero Targets			Reference Document
				Short	Medium	Long	
Bathurst	37395	Yes	FY2019	25% by 2025	60% by 2035	Net zero by 2050	BRC Emission Reduction Plan 2022
Tamworth	43875	Yes	FY2005*	N/A	50% by 2030	Net zero by 2050	TRC Environmental Sustainability Strategy 2022-2026
Albury	56093	Yes	FY2019	10% 2025	20% by 2030; 80% by 2040	Net zero by 2050	An enhanced environment 2050 - Towards Albury 2050 (Targets are including all waste)
Wagga Wagga	57010	Yes	FY2020	N/A	N/A	Net Zero by 2040	Corporate Net Zero Strategy 2022.

*baseline may change as carbon footprint yet to be developed

A large number of local governments and their communities, representing more than two thirds of the NSW population, are committed to cutting their emissions, with commitments outlined in Figure 1.

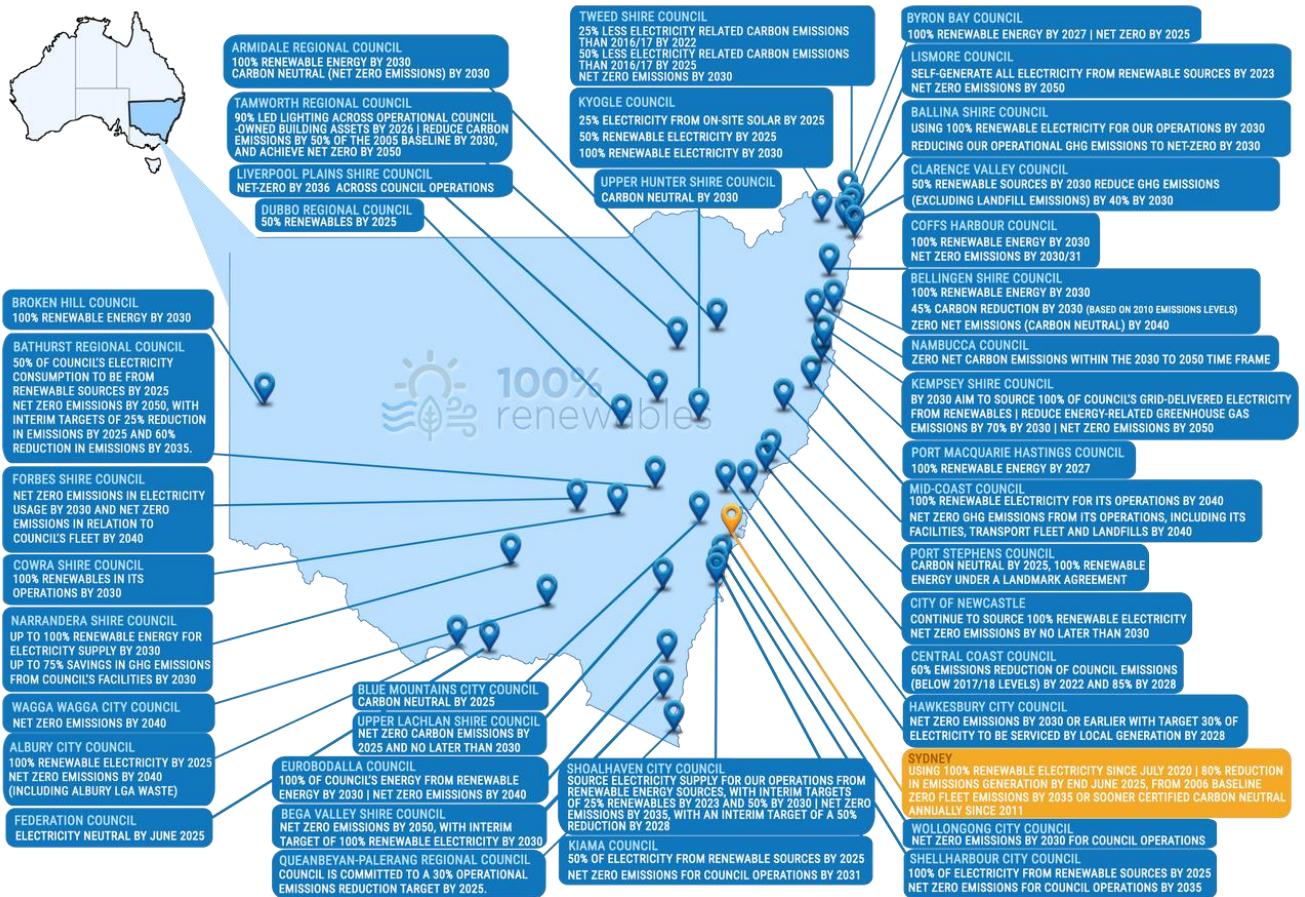


Figure 1: Net Zero Commitments by Local Governments Level in NSW (June 2023) Source: 100% Renewables

REPORT

1. Towards 2040 Community Strategic Plan – Strategic Link

The requirement for Council to achieve 'net zero' emissions is outlined within Council's Towards 2040 Community Strategic Plan (Objective 6.1).

Council's 2022/2023 Operational Plan Action 6.1.2.4 also requires Council to 'prepare a Net Zero Strategy for Council and Council operations'.

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

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

2. Development of the Framework

(a) Alignment to Best Practice

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

In particular, Council's Framework looks to:

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

(b) Framework Structure

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

1. Council's Carbon Footprint

Council's current and future greenhouse gas emission profile, or carbon footprint, for its operations was assessed to identify Council's leading sources of emissions and priority areas for emission reduction. This included an assessment of Council's Scope 1*, Scope 2** and Scope 3*** greenhouse gas emissions, which are explained as follows:

* Scope 1 - emissions are greenhouse gas emissions 'directly' generated at Council operations such as the production of waste, gas consumption, driving company cars, or refrigerant gases in air conditioning equipment.

**Scope 2 - emissions are greenhouse gas emissions 'indirectly' generated by consuming electricity for Council operations. These emissions are generated outside of Council (think coal-fired power station), but Council is indirectly responsible for them.

***Scope 3 - emissions are greenhouse gas emissions 'indirectly' generated upstream and downstream of Council. Typical examples are staff commute, air travel, the purchase of goods and services, contractor emissions, or leased assets.

2. Priority Areas for Action

The priority areas for emission reduction were identified based on Council's carbon footprint. Short, medium and long term emission reduction goals were then developed according to explored opportunities (or pathways) for emission reduction.

3. Net Zero Targets

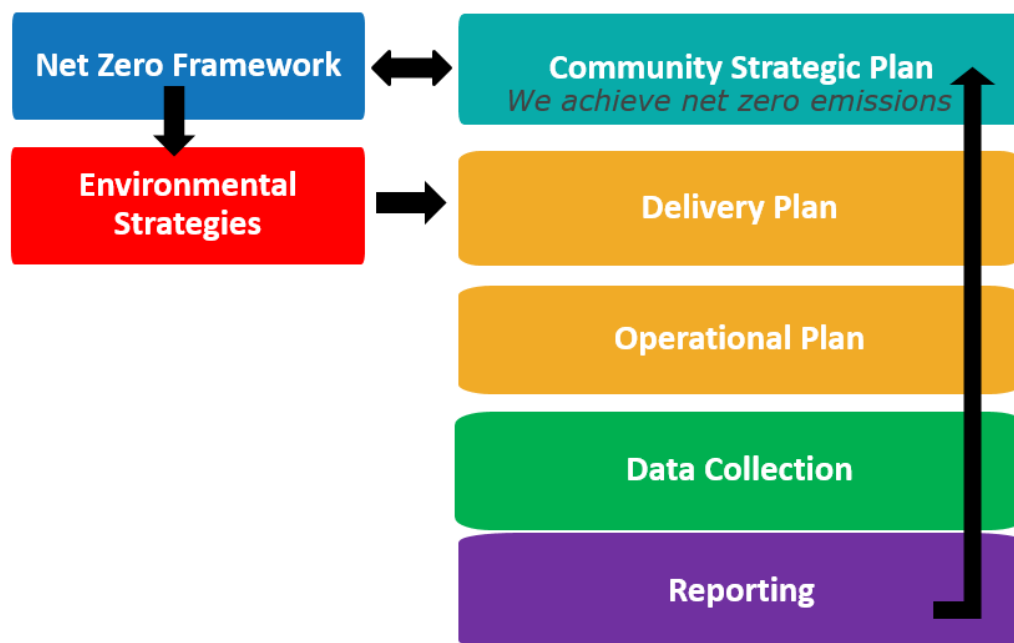
Targets to reduce Council emissions to zero in the short, medium, and long term were developed according to the recommended and modelled, short, medium, and long Priority Area emission reduction goals.

4. Greenhouse Gas Emission Data Monitoring Plan

A greenhouse gas emission data monitoring plan was developed to ensure Council's Net Zero Targets are adequately measured, monitored and reported against.

(c) Framework Integration

The following provides an outline of how Council's Net Zero Framework will be integrated into Council's Integrated Planning and Reporting processes.



- Council's Net Zero Framework will provide overarching goals for Council's environmental strategies in achieving net zero emissions, covering the priority areas of waste, energy, fleet, procurement, wastewater etc.
- Council's environmental strategies will then identify detailed strategies and actions to achieve these goals.
- These strategies and actions will be incorporated in Council's 4 year Delivery and 1 year Operational Plans, where required and budgeted accordingly.
- Council will collect data on its greenhouse gas emissions and any progress towards implementing its Delivery and Operational Plans.
- This information will be included in Council's annual and end of term reports.
- The Net Zero Targets will be used to measure the performance of Council in working towards the Towards 2040 Community Strategic Plan Objective 6.1 *to achieve net zero emissions*.

3. Key Findings of the Framework

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

Council will need to work closely and swiftly with all levels of government, residents, businesses, and industry to reduce operational emissions. Council's leading source of operational emissions, and priority area for action, is 'waste to landfill'. Waste entering into Council's two landfill sites contributes up to 62% of Council's carbon footprint. To address this issue Council will need to work with the community to ensure waste is avoided, reused, recycled, recovered and as a last resort disposed to landfill.

Approximately 18% of Council's emissions relate the purchase of goods and services for its operations. Council will need to work closely with suppliers and contractors to address emissions within its supply chain.

Other leading sources of Council emissions, or priority areas for action, include electricity purchased for our assets and street lighting (around 14%) and fuel use, particularly diesel, around 4%.

Emission reduction goals have been recommended for each of the priority areas.

4. Council's Net Zero Targets

Council's Targets to reach 'net zero' emissions before 2050 are highlighted below and have been developed based on the implementation of Council's recommended emission reduction goals for each priority area:

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

Medium - A 70% reduction in emissions from Council operations by FY 2035 (aspirational).

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

Consultation

A presentation outlining the key components of the draft Net Zero Framework was provided to Councillors on 6 and 12 July 2023 respectively.

In addition, Council staff were consulted as part of the development of the draft Net Zero Framework as follows:

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

Resourcing Implications

Council’s adopted environmental strategy actions, including those identified to meet the Net Zero Framework’s Priority Area Emission Reduction Goals, will be integrated into Council’s four year Delivery and one year Operational Plans where relevant and resourced.

It will be at this point in time, the integration of the relevant environmental strategy actions into the Delivery and Operational Plans, that Council will assess in detail any resourcing implications.

Next Steps

Council endorsement is sought for the draft Net Zero Framework for Council operations to be placed on public exhibition for a period of not less than 28 days and education and consultation activities be undertaken across the community.

Following public exhibition, a further report will be presented to Council for consideration, including the results of the public exhibition and consultation.

A presentation on the Framework will also be provided to the Council Climate Change and Resilience Committee at its meeting on 29 August 2023.

APPENDICES:

1⇒ Draft Net Zero Framework Provided under separate cover



REPORT: Draft Joira Road Planning Agreement - Results of Public Exhibition

DIVISION: Development and Environment
REPORT DATE: 12 July 2023
TRIM REFERENCE: ID23/1712

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Seek endorsement Fulfil legislative requirement 	
Issue	<ul style="list-style-type: none"> Council at its meeting on 25 May 2023 adopted a draft Planning Agreement for the purposes of public exhibition. The draft Planning Agreement relates to a 59 lot residential subdivision of Lot 10 DP 1142232 that Council approved on 11 August 2022 (D21-820). The terms of the draft Planning Agreement require the Trustees of the Roman Catholic Church for the Diocese of Bathurst (developer) to dedicate 1,196m² of land along the Minore Road frontage to Council for the purposes of road widening. The terms of the draft Planning Agreement also provide for a partial credit in relation to transfer of Lot 11 DP 1142233 to Council in 2004 for the purposes of local open space. The draft Planning Agreement was placed on public exhibition from 7 June 2023 to 10 July 2023. Council received one submission during the public exhibition period. 	
Reasoning	Part 7.1 of the Environmental Planning and Assessment Act 1979 and associated Regulation.	
Financial Implications	Budget Area	Growth Planning Branch
	Funding Source	Growth Planning Branch budget
	Proposed Cost	The developer will receive a credit of \$55,000 for the dedication of land for road widening purposes. The developer will also receive a credit of \$246,084.30 for the prior transfer of land to Council for the purposes of local open space.
	Ongoing Costs	Nil
Policy Implications	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 principle themes and a number of objectives and strategies. This report is aligned to:

Theme: 2 Infrastructure

CSP Objective:	2.2 Infrastructure meets the current and future needs of our community
Delivery Program Strategy:	2.2.5 Council maintains infrastructure and delivers services at the adopted service levels as agreed with the community

RECOMMENDATION

- 1. That Council enter into a Planning Agreement (attached in Appendix 1) with the Trustees of the Roman Catholic Church for the Diocese of Bathurst.**
- 2. That Council note the submission received during the public exhibition period (attached in Appendix 2).**
- 3. That Council execute the Planning Agreement by affixing the Common Seal.**

Steven Jennings
Director Development and Environment

JS
Development
Contributions Planner

BACKGROUND

1. Previous Resolutions of Council

25 May 2023	1. <i>That Council adopt the draft Planning Agreement...for the purposes of public exhibition.</i>
CCL23/127	2. <i>That the draft Planning Agreement be placed on public exhibition in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.</i>
	3. <i>That following conclusion of the public exhibition period, a further report be prepared for the consideration of Council, including any submissions received.</i>

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.

REPORT

1. Details of Development Application D21-820

Council approved a 59 lot residential subdivision of Lot 10 DP 1142232 on 11 August 2022. The land is adjacent to Lot 11 DP 1142232, which was 'gifted' to Council by the Trustees of the Roman Catholic Church for the Diocese of Bathurst (developer) in 2004. Lot 11 DP 1142232 is owned by Council and now zoned RE1 Public Recreation under the provisions of the Dubbo Local Environmental Plan 2022.

In addition, the Dubbo City Transportation Strategy, which Council adopted in October 2021 includes a proposal for the widening of Minore Road up to the Joira Road intersection. To facilitate this road widening, it has been identified that Council will require 1,196m² of land.

The subject lands are shown in **Figure 1**, and the approved subdivision plan is shown in **Figure 2**.

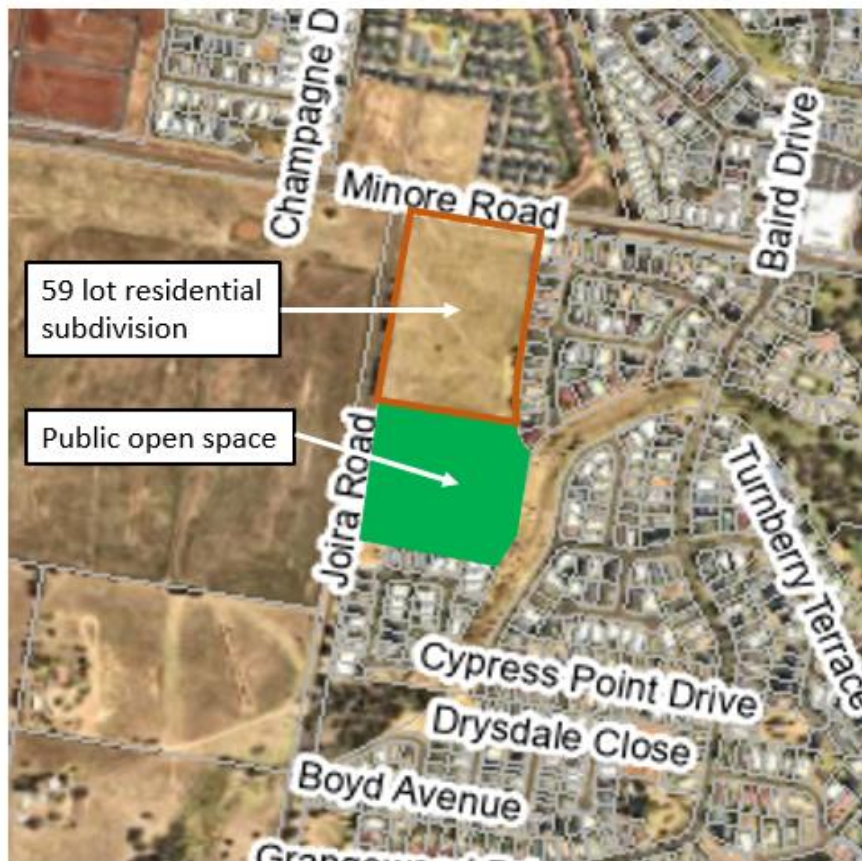


Figure 1 – Subject lands

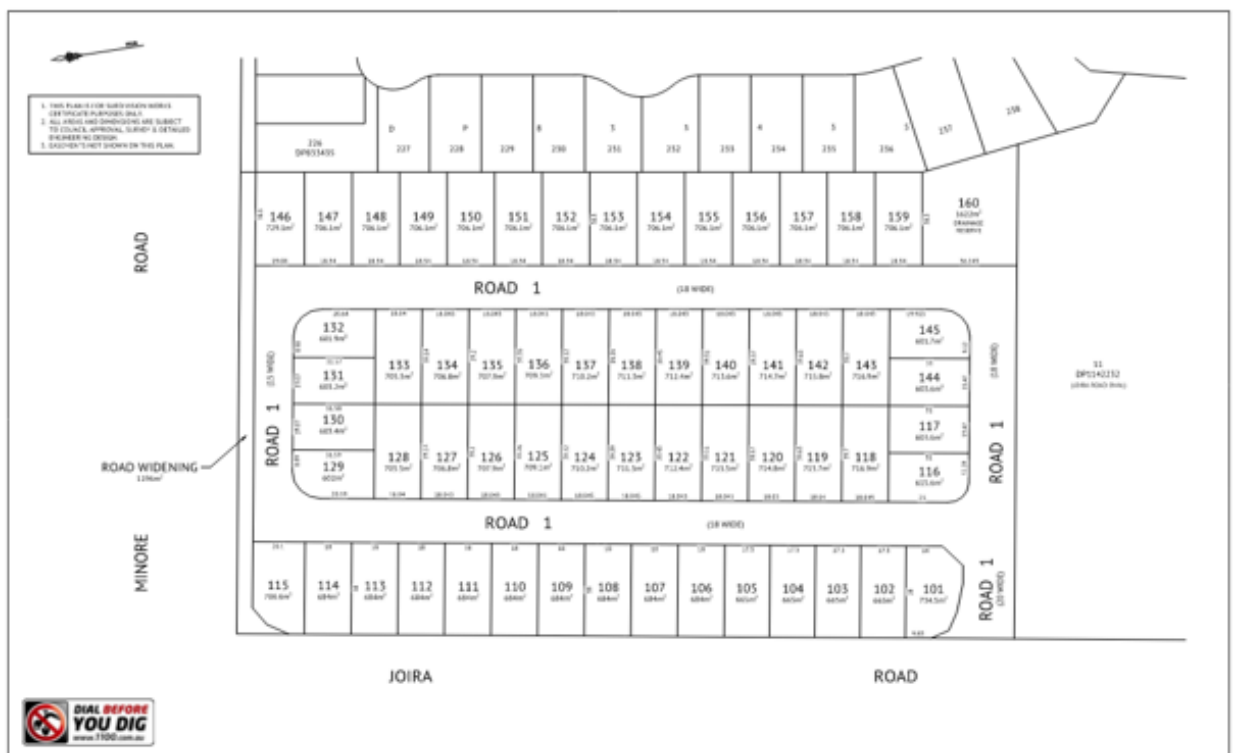


Figure 2 – Approved subdivision plan of Lot 10 DP 1142232

2. Details of the Planning Agreement

The draft Planning Agreement includes the following terms:

- The developer will transfer 1,196m² of land along the Minore Road frontage to Council for the purposes of road widening.

The value of this land has been assessed as **\$55,000** (excluding GST) which will be credited towards the overall amount payable under Council's Section 94 Contributions Plan for Roads, Traffic Management and Car Parking (2016).

- Lot 11 DP 1142232 (owned by Council and zoned RE1 Public Recreation) was transferred to Council in 2004 for \$1.

The developer will receive a credit of **\$246,084.30** for Local Open Space under the provisions of Council's Section 94 Contributions Plan for Open Space and Recreation Facilities (2016-2026). This is on the basis that Lot 11 DP 1142232 was gifted to Council and the local open space requirements of the subdivision will be fulfilled by the proximity of this land to the future residential development.

- The developer will pay **\$107,801.90** to Council in accordance with Open Space and Recreation Facilities Contributions Plan (2016-2026), which is the amount required for the subdivision for the purposes of City Wide Open Space and administration as included in the Section 94 Plan. These funds will be utilised by Council for the purposes of embellishing Lot 11 DP 1142232 as open space.

The above figures for open space contributions have been indexed with CPI from 1 July 2023.

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

3. Consultation

The draft Planning Agreement and explanatory note were placed on public exhibition from 7 June 2023 until 10 July 2023. Council received one submission during the public exhibition period (attached in **Appendix 2**).

The draft Planning Agreement was publicly notified in the following ways:

Channel	Date
Council Website	7 June 2023 – 10 July 2023
Dubbo Customer Experience Centre	7 June 2023 – 10 July 2023
Dubbo Macquarie Regional Library Branch	7 June 2023 – 10 July 2023
Daily Liberal Council Column	7, 14, 21 and 28 June, and 5 July 2023

(a) Submission – Karen Settree

The submission provided the following information:

- *Whilst I have no objection to the subdivision, I would like to draw attention to the drainage issues impacting my block from the land the subdivision relates to. Water runoff does not drain to the stormwater infrastructure in Pebble Beach Drive, but instead rushes into my yard. I would like to be assured that drainage issues will be resolved and that I and my neighbours will not be impacted this way again.*

The site is currently vacant and characterised by open grasslands and gentle slopes. Conditions of consent for Development Application D21-820 require adequate stormwater drainage systems to be in place prior to the release of the subdivision certificate. The stormwater drainage system must be designed and constructed to the satisfaction of Council. A stormwater detention basin would be constructed within the south-eastern corner of the subdivision.

It is considered that the draft Planning Agreement is not required to be amended as a result of the issues raised in the submission.

APPENDICES:

- | | |
|-----------------------------|-------------------------------|
| 1⇒ Draft Planning Agreement | Provided under separate cover |
| 2⇒ Submissions | Provided under separate cover |



REPORT: Planning Proposal R23-005 - Administrative Amendments to the Dubbo Regional Local Environmental Plan 2022

DIVISION: Development and Environment
REPORT DATE: 18 July 2023
TRIM REFERENCE: ID23/1619

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Seek endorsement Fulfil legislated requirement 	
Issue	<ul style="list-style-type: none"> The Dubbo Regional Local Environmental Plan (LEP) 2022 regulates planning decisions in the Local Government Area through land and development controls such as zoning, minimum lot sizes, development standards and land use permissibility. The Dubbo Regional LEP 2022 was gazetted by the Minister for Planning and Environment on 25 March 2022. A planning proposal to undertake a number of administrative amendments to the Dubbo Regional Local Environmental Plan 2022 has been prepared. The planning proposal seeks to make the following changes to the Dubbo Regional LEP 2022: <ul style="list-style-type: none"> Make Information and education facilities permitted with consent in the C3 Environmental management zone. Make Dual occupancies (detached) permitted with consent in the R5 Large lot residential zone. Introduce a new clause for the minimum lot size for certain split zone lots. 	
Reasoning	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 NSW Government – Local Environmental Plan Making Guidelines 	
Financial Implications	Budget Area	Growth Planning
	Funding Source	Growth Planning Branch Budget
	Proposed Cost	The proposed cost will be accounted for in the Growth Planning Budget if amendments are operational in nature.
	Ongoing Costs	Nil
Policy Implications	Policy Title	Dubbo Regional Local Environmental Plan 2022
	Impact on Policy	Additional development types would be permitted with consent, and a new clause 4 would be added.

STRATEGIC DIRECTION

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

Theme:	1 Housing
CSP Objective:	1.1 Housing meets the current and future needs of our community
Delivery Program Strategy:	1.1.5 Development opportunities are communicated to the community
Theme:	6 Environmental Sustainability
CSP Objective:	6.3 Land use management sustains and improves the built and natural environment
Delivery Program Strategy:	6.3.3 Endangered ecological communities, threatened species, habitats and environmental assets are protected

RECOMMENDATION

1. That Council note the process and key steps for amending the Dubbo Regional Local Environmental Plan 2022 (attached in Appendix 1).
2. That Council endorse the Planning Proposal (attached in Appendix 2) to amend the Dubbo Regional Local Environmental Plan 2022.
3. That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.
4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
5. That Council support a minimum 28 days public exhibition period for the Planning Proposal, subject to the conditions of a Gateway Determination.
6. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

Steven Jennings
Director Development and Environment

LN
Graduate Growth Planner

BACKGROUND

What is a Planning Proposal

A planning proposal is a document that explains the intended effect of, and justification for, a proposed amendment to the Dubbo Regional Local Environmental Plan (LEP) 2022. A planning proposal can be prepared by a proponent, however, it must be endorsed by Council and the NSW Government Department of Planning and Environment (DPE) in order to take effect. This process must be undertaken in accordance with Division 3.4 of the Environmental Planning and Assessment Act, 1979.

The six key stages for amending an LEP are attached in **Appendix 1** and are as follows:

- Stage 1 – Pre-lodgement;
- Stage 2 – Lodgement and assessment (current stage);
- Stage 3 – Gateway determination;
- Stage 4 – Post Gateway;
- Stage 5 – Public exhibition and assessment; and
- Stage 6 – Finalisation.

Council as a separate process is also undertaking an Operational Review of the Dubbo Regional Local Environmental Plan 2022, which will include consultation with the development industry and stakeholders. Preparation of a program for the review is underway with consultation to be undertaken in the coming months.

REPORT

1. Details of the Planning Proposal

The objective of the planning proposal (attached in **Appendix 2**) is to address a number of administrative items that have been experienced during operation of the Dubbo Regional LEP 2022.

The proposed amendments to the Dubbo Regional Local Environmental Plan 2022 are as follows:

- Make Information and education facilities permitted with consent in the C3 Environmental Management Zone;
- Make Dual occupancies (detached) permitted with consent in R5 Large lot residential zone; and
- Introduce a new clause for minimum lot sizes for certain split zone lots.

The amendments are considered minor in nature and will not alter any other provisions of the Dubbo Regional LEP 2022. The following sections of the report further explains each of the proposed amendments.

(i) Information and education facilities in the C3 Environmental Management Zone

The Dubbo Regional LEP 2022 currently prohibits Information and education facilities on land zoned C3 Environmental Management.

An information and education facility is defined as follows:

“a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.”

The objectives (in part) of the C3 Environmental Management Zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To recognise the environmental significance of certain areas.

Land zoned C3 Environmental Management in the Dubbo Regional LEP 2022 is zoned for cultural or aesthetic attributes and/or may be subject to an environmental hazard such as flooding.

It is considered that permitting Information and education facilities in the C3 Environmental Management Zone will enhance the objectives, and allow visitors to learn about the special ecological, environmental, scientific, cultural or aesthetic values of the site on which it is located.

(ii) Dual occupancy (detached) in the R5 Large lot residential zone

The Dubbo Regional LEP 2022 currently permits dual occupancy (attached) on land zoned R5 Large Lot Residential, however, detached dual occupancy is a prohibited form of development. A dual occupancy is defined as:

“a dual occupancy (attached) or a dual occupancy (detached).”

A dual occupancy (attached) and a dual occupancy (detached) are defined as:

“Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.”

“Dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.”

The objectives of the R5 Large lot residential zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

It is considered that permitting dual occupancy (detached) in the R5 Large lot residential zone will enhance the objectives, and allow for greater housing diversity and choices without increasing the demand for public services or facilities.

(iii) Minimum lot size for certain split zones lots

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

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

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

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

2. Planning assessment and consideration

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

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

3. Consultation and Planned Communications

If Council supports the planning proposal and receives a Gateway determination from the Department of Planning and Environment, it will be placed on public exhibition for a minimum of 28 days in accordance with the Local Environmental Plan Making Guidelines.

Council will engage with state agencies and the public as per the Gateway determination. This will include a notice on Council's website and Customer Experience Centres, the NSW Planning Portal, and notification to relevant community members and state agencies.

The following state agencies would be consulted as part of the Gateway Determination:

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

A further report will be presented to Council for consideration following the completion of public exhibition and consultation processes.

4. Resourcing Implications

There are no resourcing implications arising from this report as it forms part of the work program of the Growth Planning branch.

APPENDICES:

- | | |
|---|-------------------------------|
| 1⇒ Planning proposal flowchart | Provided under separate cover |
| 2⇒ Planning proposal - Administrative Amendments to the Dubbo Regional LEP 2022 | Provided under separate cover |



REPORT: Amendments to the Kintyre Heights Estate Development Control Plan - Results of Public Exhibition

DIVISION: Development and Environment
REPORT DATE: 10 July 2023
TRIM REFERENCE: ID23/1637

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Seek endorsement Fulfil legislated requirement 	
Issue	<ul style="list-style-type: none"> Council at its meeting on 25 February 2019 adopted the Kintyre Heights Estate Development Control Plan (DCP), which provides detailed planning and design guidance for development at 20R Peak Hill Road, Dubbo. Council at its meeting on 25 May 2023 adopted amendments to the Kintyre Heights Estate DCP for the purpose of public exhibition. The objective of the amendments are to change the planning and design controls to facilitate a Torrens Title Subdivision of the land, in place of the planned Community Title Subdivision. The draft amendments were placed on public exhibition from 7 June 2023 to 10 July 2023. Council received no submissions during the public exhibition period. Subject to adoption, any future development applications on the land will need to take the DCP into consideration as a requirement under the provisions of the Environmental Planning and Assessment Act, 1979. 	
Reasoning	<ul style="list-style-type: none"> Environmental Planning and Assessment Act, 1979 Clause 6.3 of the Dubbo Regional LEP 2022 requires a DCP to be prepared before development consent can be granted on land in an Urban Release Area. 	
Financial Implications	Budget Area	Growth Planning
	Funding Source	Application Fees
	Proposed Cost	Council \$5,000 upon lodgement as part of the required fees.
	Ongoing Costs	Nil
Policy Implications	Policy Title	Kintyre Heights Estate Development Control Plan.
	Impact on Policy	Upon adoption of the draft DCP, the existing Kintyre Heights Estate DCP will be replaced.

STRATEGIC DIRECTION

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

Theme:	1 Housing
CSP Objective:	1.1 Housing meets the current and future needs of our community
Delivery Program Strategy:	1.1.1 A variety of housing types and densities are located close to appropriate services and facilities

RECOMMENDATION

- 1. That Council adopt the amended Kintyre Heights Estate Development Control Plan (attached in Appendix 1).**
- 2. That the amended Kintyre Heights Estate Development Control Plan come into effect on 31 July 2023.**

Steven Jennings
Director Development and Environment

LN
Graduate Growth Planner

BACKGROUND

1. Previous Resolutions of Council

25 February 2019 CCL19/20	<i>In part That the Kintyre Heights Estate Development Control Plan...be adopted.</i>
25 May 2023 CCL23/126	<ol style="list-style-type: none"><i>1. That Council adopt the draft amended Kintyre Heights Estate Development Control Plan...for the purpose of public exhibition only.</i><i>2. That the draft amended Kintyre Heights Estate 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.</i><i>3. That following completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.</i>

2. What is a Development Control Plan

A Development Control Plan (DCP) provides detailed planning and guidance to support the aims, objectives and planning controls in the Dubbo Regional Local Environmental Plan (LEP) 2022.

A DCP is a locally adopted plan that guides developers, landowners, Council and the community on how land can be developed and change over time, and includes measures such as planning principles, objectives, performance measures and acceptable solutions. A DCP aims to ensure we can continue to develop our urban area with a strong emphasis on overall liveability, quality and sustainability.

REPORT

1. Details of the Development Control Plan

Council received a request from the developer to amend the existing Kintyre Heights Estate DCP, which provides detailed planning and design guidance for development at 20R Peak Hill Road, Dubbo (shown in **Figure 1** below).

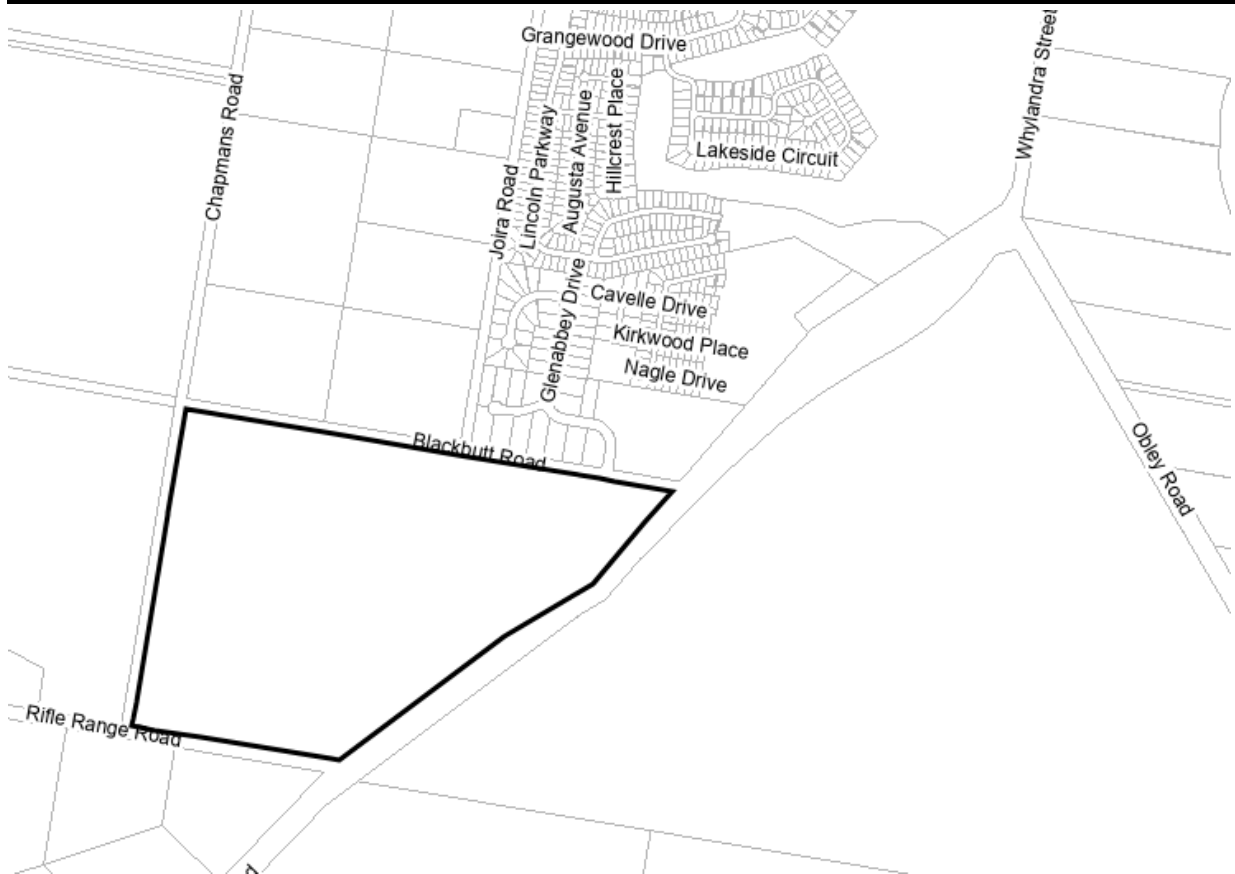


Figure 1 - Land to which this DCP applies

The objective of the amendments are to change the development from a Community Title subdivision to a Torrens Title subdivision. The proposed amendments will only revise planning and design controls under Part 2.1 Residential Subdivision Controls and will not materially change the proposed subdivision and development outcomes on the land.

The amended DCP consists of the following components:

- Introduction
- Residential Development and Subdivision
 - Residential Subdivision Controls
 - Residential Design

2. Public Exhibition and Submissions

The amended draft DCP was placed on public exhibition from 7 June 2023 until 10 July 2023. Council received no submissions during the public exhibition period.

The amended draft DCP was publicly notified in the following ways:

Channel	Date
Council Website	7 June 2023 – 10 July 2023
Dubbo Customer Experience Centre	7 June 2023 – 10 July 2023
Dubbo Macquarie Regional Library Branch	7 June 2023 – 10 July 2023
Daily Liberal Council Column	7, 14, 21 and 28 June 2023, and 5 July 2023

3. Resourcing Implications

Council received \$5,000 upon lodgement of the draft DCP as part of the required fees.

4. Next Steps

Subject to adoption, any future development application on this site will need to take into consideration the DCP in accordance with section 4.15 of the Environmental Planning and Assessment Act, 1979.

APPENDICES:

1 ➡ Draft Development Control Plan

Provided under separate cover



REPORT: Dubbo Regional Council Representation to the Taronga Conservation Society Australia Board

DIVISION: Organisational Performance
REPORT DATE: 20 July 2023
TRIM REFERENCE: ID23/1815

EXECUTIVE SUMMARY

Purpose	Seek direction or decision	
Issue	<ul style="list-style-type: none">Taronga Conservation Society Australia are seeking at least two nominations for the Taronga Conservation Society Australia Board.Council's current position is held by Council's Chief Executive Officer, Murray Wood whose term expires on 26 September 2023.	
Reasoning	Council are required to nominate at least two or more persons to fill the position on the Taronga Conservation Society Australia Board.	
Financial Implications	Budget Area	Corporate Governance.
	Funding Source	Members Expenses.
	Proposed Cost	\$4,000
	Ongoing Costs	\$4,000 dependant on flight and accommodation costs.
Policy Implications	Policy Title	There are no policy implications.

STRATEGIC DIRECTION

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

Theme: 4 Leadership
CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
Delivery Program Strategy: 4.1.2 Council's decision-making processes are open, transparent and accountable

RECOMMENDATION

- 1. That the report of the Director Organisational Performance dated 20 July 2023, be noted.**
- 2. That Council nominate at least two or more persons to fill the allocated Board position of Taronga Conservation Society Australia Board.**

Jane Bassingthwaite
Director Organisational Performance

JB
Director Organisational
Performance

BACKGROUND

Advice has been received from the Taronga Conservation Society Australia, advising that Dubbo Regional Council is allocated one position on the Taronga Conservation Society Australia Board, which is currently held by Mr Murray Wood, Chief Executive Officer, expiring on 26 September 2023.

The Taronga Conservation Society Australia is formally seeking the nomination of at least two or more persons by Council from which the NSW Minister for Environment may choose a representative to fill this position.

Previous Resolutions of Council

26 April 2023	1. <i>That the report of the Director Organisational Performance, dated 20 April 2021, be noted.</i>
CCL21/73	2. <i>That Council nominate the Chief Executive Officer, Dean Frost, and the Director Culture and Economy, Natasha Comber, for representation to the Board of the Taronga Conservation Society Australia Board.</i>

REPORT

The Taronga Conservation Society Australia (Taronga) is constituted under the Zoological Parks Board Act 1973 (the Act) as a statutory authority owned by the people of NSW and administered by the Department of Planning, Industry and Environment.

The term of Council's current representative to the Board ends on 26 September 2023. As such, Council must make a determination as to the two or more nominations to be put forward for consideration. Noting that the Board appointments are staggered and based on a 3-year term subject to approval by the Minister and Cabinet.

Taronga Conservation Society Australia has advised that nominations need not be exclusively Councillors and can include prominent members of the local community or citizens who, in the Council's view, would be appropriate for nomination for appointment to the Board.

Nominations are due by Friday 1 August 2023 and as a requirement of the Minister's Office must be accompanied by each nominee's resume.

Resourcing Implications

- Attendance to approximately 6 meetings a year.
- Cost related to travel and accommodation when required.
- Attendance via remote link is always an option.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	0	0	0	0	0	0
b. Operating expenses	4,000	4,100	4,203	0	0	0
c. Operating budget impact (a – b)	-4,000	-4,100	-4,203	0	0	0
d. Capital Expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	-4,000	-4,100	-4,203	0	0	0
Does the proposal require ongoing funding?	Yes					
What is the source of this funding?	Members expenses					

Table 1. Ongoing Financial Implications

APPENDICES:

1⇒ Letter - Taronga Conservation Society Australia - Dubbo Regional Council Nominations 2023

Provided under separate cover



REPORT: Draft Code of Conduct Policy and Procedures for the Administration of the Code of Conduct

DIVISION: Organisational Performance
REPORT DATE: 5 July 2023
TRIM REFERENCE: ID23/1713

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Adopt a policy Provide review or update 	<ul style="list-style-type: none"> Fulfil legislated requirement/Compliance
Issue	Policy was due for review in October 2022.	
Reasoning	<ul style="list-style-type: none"> The Code of Conduct Policy and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW are prescribed under the Local Government Act 1993 and the Local Government (General) Regulation 2021. Council's Policy and Procedures are based on the Model Code provided by Office of Local Government (OLG). The OLG have not provided updates to the Model Code or Model Procedures; this review has been conducted for internal administration reasons, being that Council uses a two year review cycle for it's policies. 	
Financial Implications	Budget Area	Corporate Governance
	Funding Source	Governance legal expenses
	Proposed Cost	There are no financial implications arising from this report.
Policy Implications	Policy Title	Code of Conduct Policy and Procedures for the Administration of the Code of Conduct.
	Impact on Policy	Once adopted will become Council's policy.
Consultation	Public Exhibition	

STRATEGIC DIRECTION

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

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner

RECOMMENDATION

That the draft Code of Conduct Policy and the Procedures for the Administration of the Code of Conduct Policy, attached as Appendix 1 and 2, be adopted.

Jane Bassingthwaighe
Director Organisational Performance

AR
Manager Corporate
Governance

BACKGROUND

Previous Resolutions of Council

7 December 2020 CCL20/217	<i>That the draft Code of Conduct and the Procedures for the Administration of the Code of Conduct attached to the report of the Internal Ombudsman dated 23 November 2020, as Appendix 1 and 2, be adopted.</i>
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The last review and update to the Code of Conduct Policy and Procedures for the Administration of the Code of Conduct occurred in September 2020. It was placed on public exhibition from 23 October to 15 November 2020 with no public submissions received. It was then adopted by Council on 7 December 2020.

REPORT

The Office of Local Government NSW (OLG) provide councils in NSW a Model Code of Conduct and Procedures for the Administration of the Code of Conduct. Council has historically based its Code of Conduct Policy and Procedures for the Administration of the Code of Conduct on the OLG Model Code with one additional restriction in regards to the gifts and benefits provisions of the Model Code of Conduct; being that Dubbo Regional Council has retained its 'zero gift policy' stance, which is detailed in Part 6 of Council's Code of Conduct policy (while the Model Code makes small allowances for gifts and benefits).

Council's policy was last reviewed in 2020 and was due for review in October 2022, it has now been reviewed and minor administrative changes have been proposed to bring it up to date.

The OLG Model Code has not been updated since 2020, and there have been no significant legislative updates in this regard either. Therefore, the changes made to the draft Code of Conduct Policy and Procedures for the Administration of the Code of Conduct are considered minor. The draft Code of Conduct Policy and Procedures for the Administration of the Code of Conduct are attached as **Appendix 1 and 2**.

Consultation

- There is no legislative requirement to place the Code of Conduct or the Procedures for the Administration of the Code of Conduct on public exhibition (there are for other polices).
- Previously Council has placed these policies on public exhibition, no submissions were received on the last occasion in 2020.

Planned Communications

- Place the updated Policy and Procedures on Council's website.

Timeframe

Key Date	Explanation
27 July 2023	Draft Policy put to Council
	Once adopted – placed on Council’s website

APPENDICES:

- 1⇒ Council Policy - Procedures for the Administration of the DRC Code of Conduct Provided under separate cover
- 2⇒ Council Policy - Code of Conduct Provided under separate cover



DUBBO REGIONAL
COUNCIL

REPORT: Draft Council Policy - Code of Meeting Practice

DIVISION: Organisational Performance

REPORT DATE: 14 July 2023

TRIM REFERENCE: ID23/1780

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none">• Adopt a policy• Provide review or update
Issue	The Draft Council Policy, Code of Meeting Practice, must be adopted.
Reasoning	<ul style="list-style-type: none">• This is the second review of this policy for this Council Term.• Minor changes made in this review as detailed in the report.
Financial Implications	Budget Area There are no financial implications arising from this report.
Policy Implications	Policy Title Code of Meeting Practice.
	Impact on Policy Once adopted with revisions, this will become the policy of council.

STRATEGIC DIRECTION

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

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner

RECOMMENDATION

That the draft Council Policy, Code of Meeting Practice, as attached at Appendix 1, be adopted.

Jane Bassingthwaite
Director Organisational Performance

SW
Governance Team Leader

BACKGROUND

Previous Resolutions of Council

28 April 2022	<i>That the draft Council Policy – Code of Meeting Practice, as attached as Appendix 1 to this report, be adopted.</i>
CCL22/94	

REPORT

Whilst the Code of Meeting Practice was reviewed and adopted in April 2022 as per the requirement under section 360(3) of the Local Government Act that the elected body must revise and adopt this policy within 12 months of the start of their term of council. Also noting that public consultation is mandatory for this policy for significant changes.

The changes made with this review are as listed below, and are deemed non-significant and more administrative, in order to allow adequate processing time for Agenda and Business paper production and distribution.

Consultation

- Discussions held with Executive Leadership team to review the internal processes and cut off times for the production of reports for Council agendas.
- Discussions also held with Executive Leadership team around the submission of the Notices of Motion by Councillors being 5 pm five days prior to the meeting, which did not allow enough time for discussion of the suggested NOM prior to the agenda being processed the next day for distribution.

Resourcing Implications

- Nil.

Options Considered

- The majority of the provisions within this Policy are mandatory under the Model Code of Meeting Practice.
- Additional non-mandatory provisions were considered by the elected body in the last review early 2022 and were included in the Policy.
- Some new changes made in this review are for the purpose of timing to allow a more efficient processing and distribution of the Agenda and Business papers prior to the meeting.

Preferred Option

- All changes are indicated in red text in **Appendix 1**.
- Changes include (in red text):
 - Giving Notice of Business to be Considered at Council Meetings
 - 3.9 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight business days before the meeting is to be held.
 - 20.25 The minutes of meetings of each Committee of the Council must be confirmed at the next Ordinary Council meeting.

Next Steps

- The Policy, if adopted, come into immediate effect.
- Once adopted, the Policy will be displayed on Council's website, in accordance with the Government Information (Public Access) Act.
- Relevant staff will be notified of the updated policy.
- Business paper release to the elected body will change to become Thursday prior to the meeting.
- Business paper release to the public, via council's website, will change to be Friday prior to the meeting.

APPENDICES:

- 1⇒ Draft Council Policy - Code of Meeting Practice Provided under separate cover



REPORT: Road Closure and Disposal Agreement - Classification as Operational Land - Campania Road, Rawsonville

DIVISION: Organisational Performance
REPORT DATE: 4 July 2023
TRIM REFERENCE: ID23/1711

EXECUTIVE SUMMARY

Purpose	Seek endorsement	
Issue	<ul style="list-style-type: none"> In 2020, Council resolved to close part of Campania Road (Closed Road) and offer to dispose of the Closed Road to adjoining owners. An agreement has been reached with adjoining owners, Thomas Harvey and Catherine Harvey (Harvey), to purchase the Closed Road. As previous Council resolutions allowed for the CEO to sign relevant documents under power of attorney, a new Council resolution is required to allow the execution of a road closure and disposal agreement (Contract) with the Harveys under Common Seal. Once the Closed Road is officially closed, it must be classified as "Operational Land" under the <i>Local Government Act 1993</i> to facilitate the sale to the Harveys. 	
Reasoning	<ul style="list-style-type: none"> Facilitating the closure and disposal of a surplus Council public road to an adjoining owner. Classification of the land as "Operational Land" under the <i>Local Government Act 1993</i> upon closure will ensure that the land can be disposed of to the adjoining owner. 	
Financial Implications	Budget Area	DRC Infrastructure Division
	Funding Source	DRC Infrastructure Division – operational costs
	Proposed Cost	<p>Income:</p> <ul style="list-style-type: none"> \$36,000 including GST (Contract amount) <ul style="list-style-type: none"> \$28,055 including GST market value - valuation dated 18 October 2022 \$7,945 including GST, for Council's costs in executing the matter <p>Costs:</p> <ul style="list-style-type: none"> \$6,700 including GST for valuation and legal costs <ul style="list-style-type: none"> \$3,300 including GST (valuation costs) \$3,400 including GST (legal costs)
	Ongoing Costs	DRC Infrastructure, until costs are recovered in sale proceeds.

Policy Implications	Policy Title	Nil
	Impact on Policy	Nil
Consultation	<ul style="list-style-type: none"> • DRC Infrastructure Division • Mr Tom and Cathy Harvey (Purchasers) • Essential Energy 	Various telephone attendances, meetings and e-mails.

STRATEGIC DIRECTION

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

- Theme: 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

RECOMMENDATION

1. That Council execute the closure of the subject part of Campania Road, Rawsonville, being Lot 1 of 6.8 hectares in the unregistered deposited plan as attached to this report.
2. That Council execute the road closure and disposal agreement for the subject land with Mr Thomas John Harvey and Mrs Catherine Michelle Harvey, under the Common Seal of Council.
3. That Council execute the Plan of First Title Creation and Road Closing under the *Roads Act 1993*, and Easement for Overhead Power Lines, under the Common Seal of Council.
4. That upon closure of the road noted in resolution no. 1, that such land be classified as operational land under the *Local Government Act 1993*.
5. That Council delegate to the Chief Executive Officer the power to finalise and execute any documents necessary to complete the matter.
6. That any documents relating to the matter and which cannot be executed by the Chief Executive Officer under delegation, are executed under the Common Seal of Council.

Luke Ryan
Director Infrastructure

AN
Property Development
Officer

BACKGROUND

Council staff have been progressing the closure and disposal of a surplus portion of Campania Road to adjoining owners Mr Thomas Harvey and Mrs Cathy Harvey.

The subject land is shown below in **Figure 1**, and is defined as Lot 1 of 6.8 hectares in the unregistered “Plan of First Title Creation and Road Closure under the *Roads Act 1993* and Easement for Powerlines”, included as **Attachment 1** to this report (Closed Road).

Previous Resolutions of Council

<p>26 October 2020 ILC20/51</p>	<ol style="list-style-type: none"> 1. <i>That Council consent to the closure of this section of road as indicated in Appendix 1.</i> 2. <i>That Council undertake the Roads Act Council Road Closure Process: Closing of Council Public Roads by Councils - Part 4 Division 3 Roads Act 1993.</i> 3. <i>That upon closure, the road be offered for sale to the adjacent landowner at a price determined from an independent valuation plus recovery of costs incurred in the disposal of the land.</i> 4. <i>That all documentation in relation to this matter be executed under power of attorney.</i>
<p>27 September 2021 CCL21/219</p>	<ol style="list-style-type: none"> 1. <i>That Council consent to the closure of this section of road as indicated in Appendix 1.</i> 2. <i>That Council undertake the Roads Act Council Road Closure Process: Closing of Council Public Roads by Councils, Part 4 Division 3 of the Roads Act 1993.</i> 3. <i>That Council provide appropriate easements for the Essential Energy overhead asset.</i> 4. <i>That all documentation in relation to this matter be executed under power of Attorney.</i>

The purpose of ICL20/51 was to:

- advise that owners Mr Thomas Harvey and Mrs Catherine Harvey had requested that Council close and dispose of a surplus part of Campania Road; and
- seek Council’s approval to commence the relevant *Roads Act 1993* road closure process, including the public notification of the proposed road closure, for this to be further considered by Council.

The purpose of CCL21/219 was to:

- advise that public notification of the proposed road closure had been undertaken, with no objections being received;
- Essential Energy required an easement being registered over their overhead power lines on site;
- other adjoining owners did not object to the closure and disposal of the road to Mr Thomas Harvey and Mrs Catherine Harvey;
- seek Council approval to enter into a road closure and disposal agreement (Contract) with Mr Thomas Harvey and Mrs Catherine Harvey for their purchase of the closed

road, on the basis that Council receives market value for the land and recovers its costs in the matter; and seek Council's approval to execute the proposed road closure and disposal of the land to Mr Thomas Harvey and Mrs Catherine Harvey.



Figure 1: Shows subject Campania Road land to be closed outlined in red and adjoining owners Mr Thomas Harvey and Mrs Catherine Harvey's land outlined in blue.

REPORT

The purpose of this report is to advise that Council staff have now made a road closure and disposal agreement with Mr Thomas Harvey and Mrs Catherine Harvey (Harvey) for the sale and purchase of the Closed Road.

The terms of the road closure and disposal agreement are as follows:

- that Harvey shall purchase the Closed Road for a total of \$36,000 inclusive of GST;
- that Harvey shall be responsible for all town planning, surveying, subdivision certificate, and plan registration costs in the matter;
- that each party be responsible for their own legal costs in the matter;
- that Council shall use its best endeavours to assist in the completion of the matter. These endeavours would include, but not be limited to:
 - resolving to classify the land as "Operational Land" under the *Local Government Act 1993* upon closure of the Closed Road, to ensure that the road closure and disposal agreement can be executed;
 - the execution of the road closure and disposal agreement (Contract) by Council;
 - the execution of the "Plan of First Title Creation and Road Closure under the *Roads Act 1993* and Easement for Powerlines" by Council;
 - the publication of a Notice of Road Closure in the NSW Government Gazette;
 - the removal of any reference from the new title that the land is public road; and
 - the transfer of the Closed Road to Harvey and the settlement of the matter.

The agreement captures the market value of the Closed Road, recovers Council’s valuation and legal costs in the matter, and allows for Council staff time in the matter. It is based on a market valuation undertaken by Aspect Property Valuers dated 18 October 2022, which valued the subject land of 6.87 hectares at \$28,055 including GST.

Consultation

Stakeholder	Comment
DRC Infrastructure Division (Vendor)	Agreed. DRC Manager Infrastructure Delivery offered the above terms to Harvey, following the receipt of the Aspect Property Valuers’ market valuation, in accordance with the previous Council resolutions to ensure the recovery of costs for Council. The proceeds from the agreement return to DRC Infrastructure roads budget.
Thomas and Catherine Harvey (Purchaser)	Agreed. Harvey’s have agreed to the above purchase price and terms. Principally, they accept that they and their surveyor (Premise) shall be responsible for all town planning, surveying, and plan registration processes and costs in the matter.
Essential Energy	Executed. Essential Energy have already executed the unregistered “Plan of First Title Creation and Road Closure under the <i>Roads Act 1993</i> and Easement for Overhead Powerlines” which shall provide them with the 45m wide (E) easement they require to be registered on the Closed Road.

Resourcing Implications

- Property and Land Development (PALD) staff will need to attend to the execution, exchange and settlement of the Contract with Harvey over the course of the next 6-12 months, including:
 - facilitating the execution of the Contract by Council;
 - facilitating execution and registration of “Plan of First Title Creation and Road Closure under the *Roads Act 1993* and Easement for Overhead Powerlines”;
 - facilitating the registration of the “Plan of First Title Creation and Road Closure under the *Roads Act 1993* and Easement for Overhead Powerlines” with the Harvey’s surveyor;
 - publishing a Notice of Road Closure in the NSW Government Gazette;
 - removing the redundant Public Road notation from the new title of the land for the Closed Road;
 - facilitating the transfer of the Closed Road to the Harveys; and
 - receipting the sale proceeds to DRC Infrastructure Division.
- Council delegating to the Chief Executive Officer the power to finalise and execute any documents required to finalise the matter will assist the Contract being finalised as expediently as possible.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	36,000	0	0	0	0	0
b. Operating expenses	6,700	0	0	0	0	0
c. Operating budget impact (a – b)	29,300	0	0	0	0	0
d. Capital Expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	29,300	0	0	0	0	0
Does the proposal require ongoing funding?		No				
What is the source of this funding?		DRC Infrastructure budget, until Contract settlement when costs are recovered from the sale of the land.				

Table 1. Ongoing Financial Implications

Options Considered

- **Option 1: Executing the Road Closure and Disposal Agreement**
 - Pros:
 - Facilitates the closure and disposal of a surplus portion of Council public road.
 - Facilitates the purchase of a surplus portion of Council public road to the adjoining owner, consistent with previous resolutions of Council.
 - The agreement will be cash flow positive for Council, and provide a net income of \$29,300 including GST to Council’s Infrastructure Division.
 - Cons:
 - Facilitating the agreement will require DRC staff to attend to the matter for a period of 6-12months until completion.

- **Option 2: Do not execute the Road Closure and Disposal Agreement**
 - Pros:
 - DRC staff will not need to attend to the matter, and their time and resources will be available to attend to other matters.
 - Cons:
 - The road closure will not proceed, in contrast to previous resolutions of Council.
 - The road closure and disposal request will not be resolved or permanently finalised.
 - It is likely that the adjoining owner or future adjoining owners will continue to seek a road closure and disposal agreement for this surplus land.
 - Council will forgo net income of \$29,300 including GST for the sale of surplus part of Council public road.

Preferred Option: Option 1

Option 1 is the preferred option. Executing the Road Closure and Disposal Agreement will enable the matter to be progressed and finalised consistent with previous resolutions of Council. Further, it will ensure that Council will receive a net income of \$29,300 including GST for the closure and disposal of a surplus road land.

Timeframe

Key Date	Explanation
July 2023	Execution and Exchange of Contract The Contract is executed by Council (as vendor) under Common Seal of Council, and exchanged with the Harveys (as purchaser)
August to December 2023	Execution and Registration of Plan of First Title Creation and Road Closure under the <i>Roads Act 1993</i> and Easement for Overhead Powerlines The Harveys and their surveyor will secure any development consents, subdivision certificate executions, and land owner executions that are required on the "Plan of First Title Creation and Road Closure under the <i>Roads Act 1993</i> and Easement for Overhead Powerlines", to facilitate the registration of the plan at NSW Land Registry Services.
January to March 2024	Removal of Public Road Notation from New Title Upon registration of the "Plan of First Title Creation and Road Closure under the <i>Roads Act 1993</i> and Easement for Overhead Powerlines", a new title will be issued by NSW LRS which will continue to include a 'Public Road' notation. To remove this Council staff shall raise a 'Notice of Road Closure' in the NSW Government Gazette, and await the completion of a 60 day appeal period to the NSW Land and Environment Court. Upon completion of the statutory appeal period, Council will apply to NSW LRS to have the 'public road' notation removed from the making the land freehold land in Council's name.
April 2024	Transfer and Settlement Upon removal of the public road notation, the transfer and settlement of the Contract will be finalised, and the sale proceeds will be received by Council, thereby completing the matter.

Next Steps

- Facilitate the execution and exchange of the Contract.

APPENDICES:

1 ➡ Attachment - Plan of Road Closure - Campania Road
Rawsonville

Provided under separate cover



REPORT: Execution of Plan of Subdivision - Keswick Estate Stage 5 Release 2

DIVISION: Organisational Performance
REPORT DATE: 10 July 2023
TRIM REFERENCE: ID23/1765

EXECUTIVE SUMMARY

Purpose	Compliance with legislation	
Issue	Execution of the plan of subdivision (administration sheet and s88B conveyancing document) under the Common Seal of Council relating to Keswick Estate Stage 5 Release 2.	
Reasoning	<ul style="list-style-type: none"> The plan of subdivision for Keswick Estate Stage 5 Release 2 (administration sheet and s88B conveyancing document) (Plan) must be executed under the Common Seal of Council, in order for the NSW Land Registry Services (LRS) to register the Plan and create the new residential lots and titles that Council has offered for sale. Execution and registration of the Plan by NSW LRS is essential to settle the sales contracts which Council has already exchanged and for the remainder of the lots to be sold. 	
Financial Implications	Budget Area	Property and Land Development (PALD)
	Funding Source	Property and Land Development (PALD) – Operational Expenses
	Proposed Cost	\$74,000.00 including GST: <ul style="list-style-type: none"> NSW LRS Plan pre-examination fees: \$19,000.00 including GST (incurred in 2022/23); and Cadastral boundary surveying and NSW LRS plan registration fees: \$55,000.00 including GST (partly incurred in 2022/23, with the balance of such costs estimated at \$21,000.00 including GST to be paid in 2023/24).
	Ongoing Costs	Nil
Policy Implications	Policy Title	Nil
	Impact on Policy	Nil
Consultation	<ul style="list-style-type: none"> DRC PALD Premise (consulting surveyor) Essential 	Various telephone attendances, meetings, e-mails and applications.

	Energy <ul style="list-style-type: none">• NSW Land Registry Services	
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STRATEGIC DIRECTION

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

- Theme: 1 Housing
- CSP Objective: 1.1 Housing meets the current and future needs of our community
- Delivery Program Strategy: 1.1.1 A variety of housing types and densities are located close to appropriate services and facilities

RECOMMENDATION

That the Plan of Subdivision of Lot 1012 in DP1261855 be executed under the Common Seal of Council.

Jane Bassingthwaighte
Director Organisational Performance

AN
Property Development
Officer

BACKGROUND

Council staff have been progressing the development, construction, marketing and sale of Keswick Estate Stage 5 Release 2, being fifty-two residential allotments.

Previous Resolutions of Council

<p>26 May 2022 CCL22/124</p>	<p>1. <i>That the Delegation of Authority to the Chief Executive Officer, as attached at Appendix 1 of the report of the Executive Manager Governance and Internal Control dated 9 May 2022, be adopted to come into effect from 1 July 2022.</i></p> <p>2. <i>That the Power of Attorney issued to Chief Executive Officer, Murray Wood, being Book 4788 No. 549, be revoked on 30 June 2022.</i></p>
<p>28 April 2022 CCL22/106</p>	<p>1. <i>That Council authorise the Chief Executive Officer to:</i></p> <p style="padding-left: 20px;"><i>a. facilitate, negotiate and finalise the sale of 52 registered lots within Stage 5, Release 2 of Keswick Estate (Lot) in accordance with:</i></p> <p style="padding-left: 40px;"><i>i. the sales method, being auction; and</i></p> <p style="padding-left: 40px;"><i>ii. the reserve price, as identified within this Report; and</i></p> <p style="padding-left: 20px;"><i>b. sign any documentation related to the sale of any Lot, including any contract with a purchaser of a Lot, by Power of Attorney.</i></p> <p>2. <i>That each buying entity, including any related entity, be limited to the purchase of two lots from the fifty-two lots.</i></p>
<p>28 July 2022 CCL22/184</p>	<p>1. <i>That the Chief Executive Officer be given special delegation to execute any necessary documentation in relation to the sale of land at Keswick Estate Stage 5 Release 2 on the provision that the reserve price is met or exceeded by the successful buyer.</i></p> <p>2. <i>That the Director Organisational Performance be given special delegation to execute any necessary documentation in relation to the sale of land at Keswick Estate Stage 5 Release 2 as a risk mitigation measure to cover for any unexpected absence or isolation of the CEO.</i></p>
<p>25 August 2022 CCL22/220</p>	<p>1. <i>That Council approve the sale of 52 unregistered lots within Stage 5, Release 2 of Keswick Estate (Lots) in accordance with the reserve price as identified within this report.</i></p> <p>2. <i>That a contract for the sale of any of the Lots be signed:</i></p> <p style="padding-left: 20px;"><i>a. under the common seal of Council; or</i></p> <p style="padding-left: 20px;"><i>b. under special delegation by the Chief Executive Officer or Director Organisational Performance as resolved by Council on 28 July 2022.</i></p> <p>3. <i>That all documentation in relation to this matter remain confidential to Council.</i></p>
<p>27 October 2022 CCL22/273</p>	<p>1. <i>That Council endorse the exercise of the Mayor's powers under s226(d) of the Local Government Act 1993 to amend the reserve pricing of the 52 unregistered lots at the Keswick Estate, Stage 5 Release 2, in accordance with the detail as outlined in this report.</i></p> <p>2. <i>That the documents and considerations in regard to this matter remain confidential to Council.</i></p> <p>3. <i>That the properties not sold by auction, by close of business Friday 28 October 2022, be sold by private treaty at a minimum of the square</i></p>

	<i>metre rate as resolved by section 226(d) of the Local Government Act 1993.</i>
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REPORT

Throughout the course of development, Council staff have been preparing the plan of subdivision, administration sheets, and s88B conveyancing documents necessary for the registration of Keswick Stage 5 Release 2 (Subdivision Plan Documents).

Council's surveyor for the project (Premise Pty Ltd) has now completed the Subdivision Plan Documents and had them 'pre-examined' by NSW Land Registry Services (NSWLRS) to ensure that they are correct and can be registered as expediently as possible upon execution by all parties.

The Subdivision Plan Documents are included in **Attachment 1** to this report. In order for the Subdivision Plan Documents to be registered with NSWLRS, the following executions are required:

- Land Owner: Dubbo Regional Council, under the Common Seal of Council.
- Essential Energy: to create a 2m wide easement over a high voltage trunk main.
- Relevant Public Authority: Dubbo Regional Council, Director Environment Planning, by providing Subdivision Certificate execution.

The purpose of this report is for Council to resolve to execute the Subdivision Plan Documents under Common Seal of Council, as land owner of Keswick Estate.

Executing the subdivision plan documents under common seal of council will ensure that council can register the plan documents and settle its existing contracts for sale as soon as possible.

Consultation

Stakeholder	Comment
Property and Land Development (developer)	The Subdivision Plan Documents have been pre-examined by NSWLRS at the direction of Property and Land Development (PALD).
Premise (consultant surveyor)	Premise has prepared and secured pre-examination approval from NSWLRS.
Essential Energy	The Subdivision Plan Documents include an easement for underground powerlines 2 wide and variable width (U2), in accordance with its requirements.
NSWLRS	Have undertaken a 'pre-examination' of the Subdivision Plan Documents and approved it for final registration.

Resourcing Implications

- PALD staff will need to attend to the execution and registration of the Subdivision Plan Documents over the next three (3) months as a normal duties.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue		0	0	0	0	0
b. Operating expenses	\$21,000.00	0	0	0	0	0
c. Operating budget impact (a – b)	-\$21,000.00	0	0	0	0	0
d. Capital Expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	-\$21,000.00	0	0	0	0	0
Does the proposal require ongoing funding?	<p>No, however PALD will complete existing purchase orders as the registration of the Subdivision Plan Documents are finalised – outstanding amount to be paid is \$21,000.00 including GST.</p> <p>In previous financial years, PALD has already paid:</p> <ul style="list-style-type: none"> \$53,000.00 including GST, including for pre-examination. 					
What is the source of this funding?	Property and Land Development – Operational Expenses.					

Table 1. Ongoing Financial Implications

Timeframe

Key Date	Explanation
August 2023	<ul style="list-style-type: none"> Execution of plan of subdivision under Common Seal of Council on administration sheet and s88B conveyancing documents. Execution by Essential Energy on s88B conveyancing documents. Execution of Subdivision Certificate on plan administration sheet.
September 2023	<ul style="list-style-type: none"> Plan registration with NSWLRS and creation of new titles for allotments created.
October 2023	<ul style="list-style-type: none"> Settlement of contracts currently under contract.

Next Steps

- Facilitate execution of Subdivision Plan Documents under Common Seal of Council.
- Facilitate executions by Essential Energy and DRC Planning and Environment (Subdivision Certificate)
- Facilitate registration of Subdivision Plan Documents, and settlement of contracts.



REPORT: Tree Preservation Order - Introduction of State Environmental Planning Policy (Biodiversity and Conservation) 2021

DIVISION: Community, Culture and Places
REPORT DATE: 23 May 2023
TRIM REFERENCE: ID23/647

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Addressing Council resolution Seek direction or decision 	
Issue	Provision of information relating to the introduction of Tree Preservation Order through the State Environmental Planning Policy (Biodiversity and Conservation) 2021, to protect trees on private property in the urban area, and other native vegetation within the local government area.	
Reasoning	<ul style="list-style-type: none"> Introduction of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 would satisfy the original intent of the Council Resolution and provide protection to private urban trees, level to be determined, and vegetation generally across the local government area. <i>Biodiversity Conservation Act 2016</i> 	
Financial Implications	Budget Area	Community Culture and Places
	Funding Source	General rates
	Proposed Cost	Range between \$0 and \$220,000. Compliance not included in these estimates.
	Ongoing Costs	Range between \$0 and \$228,000 (CPI). Compliance not included in these estimates.
Policy Implications	Policy Title	Development Control Plan (DCP)
	Impact on Policy	Would need to be redrafted

STRATEGIC DIRECTION

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

Theme: 6 Environmental Sustainability
 CSP Objective: 6.1 We achieve net zero emissions
 Delivery Program Strategy: 6.1.4 Existing and new development is sustainable, has

sufficient greenspace and efficiently uses resources

Theme:	6 Environmental Sustainability
CSP Objective:	6.2 We recognise, plan for and respond to the impacts of climate change
Delivery Program Strategy:	6.2.1 The impacts of climate change are identified and addressed through collaboration with our community and government

RECOMMENDATION

- 1. That the report dated 23 May 2023 be noted.**
- 2. That Council undertake community consultation regarding the options contained within the report for urban tree management regulation on private and public property including:**
 - a. Urban tree height and size options to which the regulations would apply**
 - b. Administration fee structure options including a no fee option.**
- 3. That a report be provided to Council’s Ordinary Meeting in October 2023 that provides details on:**
 - a. outcome of community consultation**
 - b. options for what a potential Tree Preservation Order structure could look like given that community consultation**
 - c. impact on resource allocation within Council to service a new policy setting, and**
 - d. financial adjustments required for the 2023-24 budget.**

Craig Arms
Director Community, Culture and Places

IM
Manager Recreation and
Open Space

BACKGROUND

Previous Resolutions of Council

27 September 2021 CCL21/209	<i>That the CEO provide a report to October 2021 Ordinary Council meeting on the options and indicative costs of the implementation of a Tree Preservation Order.</i>
25 October 2021 CCL21/253	<ol style="list-style-type: none"> 1. <i>That the report of the Manager Recreation and Open Space, dated 6 October 2021, be noted.</i> 2. <i>That further investigation in regards to the level of resourcing and associated costs in developing, implementing and resourcing the State Environmental Planning Policy (Vegetation) be carried out with a further report to Council by May 2022.</i>
12 May 2022 CCC22/20	<ol style="list-style-type: none"> 1. <i>That Council considers the adoption of Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to protect prescribed vegetation across defined areas of the local government area.</i> 2. <i>That</i> <ol style="list-style-type: none"> a. <i>Council undertakes community consultation on the options including the status quo; and</i> b. <i>This consultation takes place in July 2022 with a subsequent report to the relevant Standing Committee of Council in August 2022.</i>

REPORT

In 1995 the then Dubbo City Council adopted a Street Tree Master Plan setting a strategic direction for the management of all trees within the urban area of Dubbo. Under this master plan, public trees (that is street trees and trees found in parks, ovals and reserves) were identified as coming under the care, control and management of Council. In contrast, the management and responsibility of trees located on private property was given over to the owner of the land. However, it was also identified that there were trees located on both private and public property that should be protected due to their “significance.” To manage this component of the urban forest a Tree Preservation Order (TPO) and Significant Tree Register exists and is, generally, updated and adopted annually.

The existing process of allowing residents to manage trees on their own property appears to have proven successful with Dubbo’s urban tree canopy effectively increasing from 8.9% in 2003 to 16.2% in 2017. The largest area of growth during this period was in “Private Trees” increasing from 7.3% to 11.7% (260 ha to 415 ha). Unfortunately what this figure does not provide is the actual number of trees within the private urban forest. From past audits of the public urban forest (2012/14) there were approximately 21,500 street trees with a further 17,700 park trees. This number would have increased significantly over the past 10 years. As the public urban forest makes up only 4.3% of the total canopy cover of Dubbo (2017), or 26.5%, there could be effectively in excess of 117,500 private trees that could come under the control of Dubbo Regional Council (Dubbo City). The Wellington data is not available.

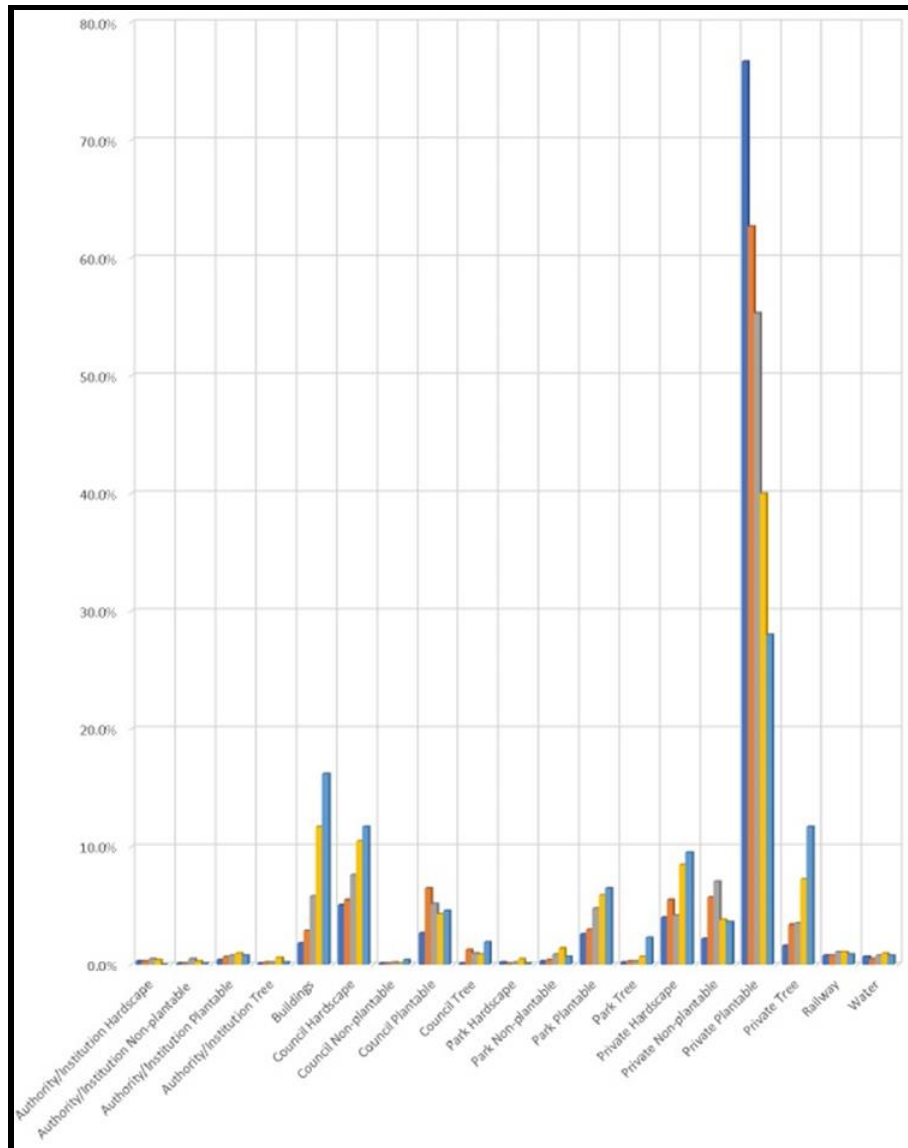


Figure 1. Dubbo urban tree assessment showing growth of urban forest (1959, 1975, 1988, 2003 and 2017). Private trees are shown third from the right).

However, in more recent times there has been a significant trend in the reduction of allotment sizes for new residences on the basis of “affordability” that is likely to have a significant flow on effect on the ability, and desire, of residents to plant large canopied trees in their yards.

Further, there is a growing trend with “infilling” of already developed residential land. Infilling, in this context, occurs where residents that live on larger urban blocks are allowed to subdivide their land to allow another house or structure to be built on it. While there are infrastructure and financial benefits with this approach of urban development, i.e. utilising existing infrastructure rather than expanding networks and the associated costs in construction, maintenance and ultimate renewal, it can have serious ramifications on the private urban forest. This has created concern in some parts of the community that seek to retain as many private trees as possible, and to plant more trees on public lands to increase the canopy cover of the urban areas.

The introduction of the State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 will provide Council with powers currently unavailable to it in relation to illegal native vegetation (including native grasslands) clearing in managed areas across the local government area. Legitimate farm lands are not managed by Council under the *Biodiversity Conservation Act (2016)*, under which the SEPP (Biodiversity and Conservation) 2021 is authorised. Currently landholders can clear native (and non-native) vegetation in urban or rural areas of the LGA prior to the lodgement of a Development Application and Council has very limited actions available to it.

Adoption of SEPP (Biodiversity and Conservation) 2021 would also enable Council to manage exotic and native vegetation within urban areas as Council chooses. Permits can be required for the clearing of defined vegetation; defined species, trees above a certain height, or within certain mapped urban areas can be managed and vegetation which does not meet those criteria are exempted. Application of the Biodiversity and Conservation SEPP emulates Tree Preservation Orders in the urban areas in this sense. To achieve this some Councils nominate a tree height of three metres under which a permit to clear is not required. Wagga Wagga City Council in contrast has nominated a tree height of eight metres to remain consistent with the *Biodiversity Conservation Act 2016*. North Sydney Council and Mosman Municipal Council have nominated a tree height of 5 metres with a circumference of 450mm and 500mm respectively.

The decision to increase the intervention threshold before a permit is required has two major benefits:

- It still provides residents a significant amount of tree management on their own land up to the identified threshold, and
- Reduces the workload required to implement the SEPP (Biodiversity and Conservation) framework.

Alternatively, Dubbo Regional Council could determine to introduce the SEPP (Biodiversity and Conservation) 2021 but only cover private trees in the urban area that are on the adopted Significant Tree Register. This approach would then provide protection and ability to act on illegal clearing of vegetation on the edges of the urban areas and within villages. Currently without the SEPP (Biodiversity and Conservation) Council is powerless to act.

As part of the investigation a number of other regional councils were approached to identify what, if any, urban tree protection they currently have, what level of resourcing to manage urban trees and the canopy coverage of their urban area.

Councils that have adopted the SEPP (Biodiversity and Conservation) include:

- *City of Wagga Wagga*
 - One strategic tree planning supervisor
 - Canopy coverage – 10.2%
 - Permit system in place to enable works on private trees over 8 metres in height.

- *Orange City Council*
 - 0.5 staff resource for strategic tree management
 - Canopy coverage - Unknown – currently undertaking assessment
- *Albury City Council*
 - Three strategic tree planning staff
 - Canopy coverage – 23.6%

Councils that haven't adopted the Biodiversity and Conservation SEPP include:

- *Tamworth Regional Council*
 - Protection to trees located on private property through their Local Environment Plan.
 - One strategic tree management staff member
 - Canopy coverage – 12.36%
- *Armidale Regional Council*
 - Protection of private trees over 6 metres in height (fruit tree exemption) under draft Urban Forest document (1995) – TPO.
 - 0.3 strategic tree management
 - Canopy cover – unknown.
- *Dubbo Regional Council*
 - 0.2 strategic tree management (MROS)
 - Canopy coverage
 - Dubbo 16.2%,
 - Wellington 12%
 - Montefiores 17%

Consultation

- The identified community consultation in the adopted recommendation from 12 May 2022 - CCC22/20 has not taken place.
- A number of NSW regional councils were approached to ascertain what, if any, tree preservation orders they had in place to manage the private urban forest. The Councils that were approached were:
 - Albury City Council
 - Bathurst Regional Council
 - Orange City Council
 - Tamworth Regional Council
 - Wagga Wagga City Council
 - Armidale Regional Council
- Council Budget Workshop – 21 April 2022
- Manager Growth Planning/Environmental Systems Planner

Dubbo Regional Council would be required to write the SEPP (Biodiversity and Conservation) into the Dubbo Control Plan prior to publicly exhibiting the document for 28 days seeking community feedback, prior to a report back to Council for consideration of adoption.

It shall also be recommended that an appeal system be established in the event that the Tree Preservation Order is extended to the private urban forest. It is suggested that this appeal system could include the Public Tree Advisory Committee, however this will also require a rewriting of the Terms of Reference to reflect this change.

Implications of introduction of Tree Preservation Order (privately owned trees)

There are number of implications associated with the introduction of a Tree Preservation Order for privately owned trees, with the most significant implication being the resourcing and associated costs to Council in its implementation. This impact will directly be related to the intervention threshold of the Tree Preservation Order. Essentially the smaller the tree (either height or diameter of trunk) the more tree will be protected under the Order, and the higher the resourcing requirements and cost in implementing the Tree Preservation Order. Conversely the larger the tree (height or diameter of trunk) the fewer the trees protected and the lower resource demand to implement the system.

Proposed community consultation

To assist in the determination on whether Council should implement a Tree Preservation Order it is proposed to provide our residents the opportunity to contribute feedback through a survey. This survey will be supported with appropriate definitions and Frequently Asked Questions to assist the community in understanding the proposal and implications.

At the same time of seeking feedback with regards to the Tree Preservation Order for private trees, it provides an opportune time to garner additional information about our resident's view of urban trees that can be considered in other strategic documentation.

Indicative questions for the survey are provided below. This will be developed further with Council's Community Engagement staff:

1. Trees are important to improving the quality of our urban environment?
2. Dubbo currently has a reported canopy cover of 16%. Is this level of canopy cover within the urban area of Dubbo acceptable?
3. Wellington currently has a reported canopy cover of 15%. Is this level of canopy cover within the urban area of Dubbo acceptable?
4. What level of canopy cover do you feel is an acceptable level for Dubbo and Wellington? (*Provide percentage values*)
5. From your response in question 4, and giving time for trees to grow and, when would you like to see this target achieved? (*Provide years*)
6. Whose primary responsibility do you feel it is to provide and improve the tree canopies of our urban areas? (*Provide Options*)
7. Within the urban areas there are a number of ownership categories of land. Where do you feel that these trees should be located? (*Provide Options*)

8. Dubbo Regional Council has a Tree Protection Order / Significant Tree Register that protects trees on Council owned and managed land. Would you support the introduction of a Tree Preservation Order that protects trees on private land?
9. If Council was to introduce a Tree Preservation Order on privately owned trees – what height / diameter at breast height (DBH) of tree should it come into effect?
 - Height - 3 metres or DBH 200mm
 - Height – 6 metres or DBH 250mm
 - Height – 8 metres or DBH 300mm
 - Height – 10 metres or DBH 350mm
 - Height – 15 metres or DBH 400mm
10. If Council applied a Tree Preservation Order for the management of privately owned trees residents will be required to contribute towards the cost of the permit. What would you be willing to contribute towards the scheme and the protection of privately owned trees?
 - \$250 permit
 - \$500 permit
 - \$1,000 permit
 - Actual cost of inspection and compliance.
 - Other
11. Do you feel that property owners should be responsible and allowed to manage and / or remove trees on their land without Council approval?
12. From the below list, identify any exemptions from the Tree Preservation Order that you feel is applicable. (*Provide Options*)
13. Should Council commit more funds to the planting of trees in the urban forest (public lands)?
14. If so, how much?

Fee structure

A fee structure would need to be developed for the application of a permit to undertake tree work or removal on private property.

- Wagga Wagga City Council, for example, has a Tree Management Application fee of \$125 inc gst (2022/2023).
- Armidale City Council have:
 - Tree removal application 1-3 trees fee of \$144 inc gst
 - Tree removal application >3 trees fee of \$92 inc gst / tree
- Orange City Council – no permit fee identified.
- Tamworth Regional Council – no permit fee identified
- Bathurst Regional Council – no permit fee identified.
- Albury City Council – no permit fee identified.

There does not appear to be any follow up compliance checks or fees associated with these figures. It is difficult to estimate the number of permits that Council is likely to receive in any given year. However, Wagga Wagga receives approximately 150 annually. Based on this figure and using Wagga Wagga and Armidale figures it is estimated that Council would receive between \$18,750 and \$21,600 inc gst of income through the permit system. The higher figure of \$21,600 has been used in the financial tables.

To achieve full cost recovery Dubbo Regional Council, and again based on receiving 150 applications annually, the charges required would be:

- Option 1 – Council could set a fee similar to Wagga Wagga and Armidale councils.
- Option 2 - \$1,466 inc gst
- Option 3 - \$1,759 inc gst
- Option 4 – N/A

Compliance and penalty notices

The above costs take onto account only the assessment and issuing of a permit to prune or remove trees on private property. With the introduction of a permit system it is expected that there will a requirement for a level of compliance to ensure that the work is done in accordance with the respective conditions of the permit. In the event that works are carried out in contravention of the permit then the Development and Environment division will need to be involved for the issuing of penalty notices. This quantum of work and the demand on resources and associated costs have not been included in the above figures.

It is, however, unlikely that the full cost of the management of the Tree Preservation Order covering the private urban forest can be fully recouped.

Next Steps

It shall be recommended that this community consultation be undertaken commencing in August to gauge the community's feeling towards the adoption of a tighter Tree Preservation Order, in line with the SEPP (Biodiversity and Conservation) 2021 that potentially limits what works can be undertaken on privately owned trees.

As part of this community consultation a range of options will be provided to the community, through a survey, including the identification of a number of different thresholds (eg: heights, diameter at Breast Height, species or proximity to buildings and/or structures) and exemptions (eg: fruit trees) to assist in the development of policy and inclusion in the Dubbo Control Plan.

Additionally, an appeal system can be formulated that provides the Public Tree Advisory Committee input into the decision process of whether tree removal or works can proceed.



REPORT: Community Services Funding 2023/2024 - Community Benefit Funding in Accordance with Section 356 Local Government Act 1993

DIVISION: Community, Culture and Places
REPORT DATE: 12 July 2023
TRIM REFERENCE: ID23/1772

EXECUTIVE SUMMARY

Purpose	Seek endorsement	
Issue	Provide Council with options for rationalisation of funding streams under Community Services. The Community Services Fund and Community Assistance Fund are both on hold until consideration of this report.	
Reasoning	Council have received reports that some community members are confused about the difference between Community Services Fund and Community Assistance Fund	
Financial Implications	Budget Area	Community Services
	Funding Source	Budgeted Operational Expense
	Proposed Cost	\$150,000
	Ongoing Costs	\$150,000 per year ongoing.
Policy Implications	Policy Title	Financial Assistance Policy
	Impact on Policy	Alignment

STRATEGIC DIRECTION

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

Theme: 5 Liveability
CSP Objective: 5.3 The lifestyle and social needs of the community are supported
Delivery Program Strategy: 5.3.1 The social service issues and requirements of our community are identified and met

RECOMMENDATION

1. That it be noted that the first round of 'Community Services Fund' and 'Community Assistance Fund' for financial year 23/24 has been paused pending consideration of this report.
2. That it be noted that under the current framework the Community Services Fund is for all community organisations including Not For Profits, whilst the Community Assistance Fund is for Not-for-Profit organisations only.
3. That to enable access to the budgeted funds by community groups as soon as possible Council resolve to either
 - a) continue with Round 1 of the Community Services Fund and Community Assistance Fund in accordance with the current framework OR
 - b) Create one funding pool under the Community Services Fund noting it allows for Not For Profits as well as all community based organisations to apply.
4. That should Council resolve 3a) the CEO provide a report to the October 2023 Ordinary Meeting, being prior to the commencement of the proposed next round in February 2024, that includes
 - Opportunities to rationalise the two funding streams into one
 - The pros and cons of any proposed rationalisation compared to the existing framework.
5. That Council maintain a maximum of two rounds per financial year noting the administration and governance required for grant programs that distribute public monies to external organisations.

Craig Arms
Director Community, Culture and Places

CW
Manager Community
Services

BACKGROUND

Community Services Branch currently administer three grants each financial year.

1. Community Services Fund
 - Provides funding to community organisations to support projects or programs that deliver social, cultural or environmental outcomes to the Dubbo Regional Council Local Government Area.
 - Rounds in July and February (twice per financial year).
 - Projects / programs must address an identified community need and deliver social, cultural or environmental outcomes to the community.
 - A community organisation is an entity that carries on activities for a public purpose or another entity whose primary object is not directed at making a profit.
2. Community Assistance Fund
 - Provides funds to ease the financial burden of not-for-profit organisations that contribute to the creation or enhancement of the community's well-being and amenity within the Dubbo Regional Council Local Government Area.
 - Rounds in July and February (twice per financial year).
 - Activities / services with well-being, cultural or environmental outcomes that require financial support.
 - A not-for-profit is generally an organisation that does not operate for the profit, personal gain, or other benefit of particular people (for example its members, the people who run the organisation or their friends or relatives)
3. Bodangora Wind Farm Community Benefit Fund
 - Planning Agreement with Bodangora Wind Farm (ED17/91516) for 29 years.
 - Provides funding to not-for-profit community organisations to support projects or programs that deliver social, cultural, economic or environmental outcomes to local communities of the Wellington and villages district.
 - Annual round each year (February) until budget has been exhausted.
 - Limit of \$20k per application.
 - Decisions made by the Bodangora Wind Farm Community Consultative Committee, but administered by DRC Community Services Branch.

For all three streams, applicants are required to submit an Acquittal Report within two (2) months of the completion of each project / program / activity or service, as per the date listed on each application, or twelve (12) months from date of funding payment, whichever arises first.

Applicants must expend their funding within twelve (12) months of provision.

REPORT

Potential Grant Rationalisation

Bodangora Wind Farm Community Benefit Fund

This fund was created under the direction of a Planning Agreement in partnership with the Bodangora Wind Farm. The fund is overseen by Community Consultative Committee. Each year the Bodangora Wind Farm are invoiced for agreed Development Contributions and this is used to fund the Community Benefit Fund, Road Maintenance and Project Related Council Administration.

Applications are assessed by the Bodangora Wind Farm Community Consultative Committee, but the stream is administered by DRC Community Services Branch. The committee meets as required which can cause delays when administering the grant and keeping to the required timeframe. It is noted that the committee's adherence to their own funding criteria appears at times to be inconsistent. This can result in complications for the Community, Culture and Places Executive Support Team when following up on the conditions of funding.

Given the specific mechanics of this fund, it is not considered a candidate for rationalisation.

Community Services Fund and Community Assistance Fund

In regards to rationalising the Community Services Fund and Community Assistance Fund there are three (3) options to be considered.

Option 1: Deciding on one stream over the other

This would require Council choosing either community organisations (Community Services Fund) or only not-for-profit organisations (Community Assistance Fund) eligible for funding.

There is the potential for criticism if the not-for-profit stream is removed as those organisations struggle to obtain financial support generally. Whilst limiting the stream to just not-for-profits would exclude a large number of community organisations within the Dubbo LGA. It is important to note the Community Strategic Plan identifies not-for Profit and non-government organisations as a partner. Also Dubbo and Wellington Neighbourhood Centres and associated service providers (not-for-profits) are identified for assistance in 23/24 Operational Plan.

Option 2: Combine the Community Services Fund and Community Assistance Fund into a single stream

The criteria are similar and from an administrative point of view, the combining of the two funds into a single stream would be beneficial. It would mean however, that Not-for-Profit organisations will need to compete with Community Service organisations for a single fund.

Option 3: Continue to adjust the current structure to address known issues and review prior to next financial year

The application, assessment and administrative process of all three (3) funds has recently been reviewed and adjustments made to better streamline community experience, expectation and administrative effort. The effectiveness of these adjustments were to be tested in the current round.

Six councils across Australia were researched to determine a standard for grant guidelines, focusing on grants targeting community organisations.

The previous guidelines were expanded to include additional information regarding key dates, defining the assessment criteria and application process as well as strengthening eligibility criteria and conditions of funding to align with the expected outcomes.

Further updates included each fund's application, assessment and acquittal forms on SmartyGrants to align with the guidelines and promote accountability, capacity and consistency for the applicant.

Acquittal information was centralised including extension and repurposing requests whilst following up with community organisations at regular intervals (e.g. every 6 months), and noting ineligibility status for future rounds.

The aim was to create consistency and an overall better understanding of the grants, their framework and the expectations for both Council and community organisations all in line with Council Financial Assistance Policy.

Community Services grants are administered to ensure they meet requirements to be fiscally responsible, to focus on efficient, effective, and prudent use of resources, and to provide transparency whilst achieving community outcomes, underpinned by a solid governance process and clear accountabilities for all stakeholders.

The Guidelines received by all applicants explain each fund's criteria – expected outcomes, eligibility and ineligible requirements.

The two Community Services Funds whilst similar, do target different elements of the community. Recent work has been done to improve processes seeking better community clarity around grant purposes and the community's obligations to Council. Further work is required to bring the acquittal ledger to zero. This is regarded as a priority.

Grant Acquittals and Funding Rounds

The Community Services Fund and Community Assistance Fund have two rounds each financial year (July and February). The Bodangora Wind Farm has an annual round in February

until the budget has been exhausted, as determined by the Bodangora Wind Farm Community Consultative Committee.

An acquittal report is required within two (2) months of the completion of each project, as per the date listed on each application, or twelve (12) months from date of funding payment, whichever arises first. The Executive Support Team contact organisations with outstanding acquittals every six (6) months, prior to each new round opening. Additional reminders are also automated within the SmartyGrants platform and are scheduled one (1) month prior and the day of the completion date advised.

Some community organisations struggle to acquit within the designated twelve (12) months and require administrative support to achieve the agreed outcomes.

Increasing the number of rounds each year would impact the workload of administering the Community Services grants. This work is only a portion of the scope expected from the relevant staff involved.

Up until recently, there were thirty (30) outstanding acquittals, totalling \$154,314 for the Community Services Fund and eighteen (18) outstanding, totalling \$31,644 for the Community Assistance Fund, across five (5) rounds spanning 2018 through to 2022.

There were also thirteen (13) outstanding acquittals totalling \$115,527 for the Bodangora Wind Farm Community Benefit Fund, across seven (7) rounds spanning 2017 through to 2022.

Consultation

- Information gained from community through previous grant funding rounds and their responses to ineligibility or extension requests.
- Information gained from Community Culture and Places Executive Support Team
- Information gained from Manager Community Services and Director Community Culture and Places.

Resourcing Implications

- Internal staff are responsible for all levels of administration and disbursement of funds
- The budget for the Community Service and Community Assistant Funds is \$150,000 pa. This is broken down to \$120,000 and \$30,000 respectively.
- The current year includes carry overs from Round 2 last financial year. This is due to the number of ineligible applications, mostly stemming from outstanding acquittals. Carry overs from Round 2, 22/23 are Community Services Fund \$41,848, and Community Assistance Fund \$3,358.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	0	0	0	0	0	0
b. Operating expenses	-\$195,206	-\$150,000	\$150,000	-\$150,000	-\$150,000	-\$150,000
c. Operating budget impact (a – b)	-\$195,206	-\$150,000	-\$150,000	-\$150,000	-\$150,000	-\$150,000
d. Capital Expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	-\$195,206	-\$150,000	-\$150,000	-\$150,000	-\$150,000	-\$150,000
Does the proposal require ongoing funding?	Yes					
What is the source of this funding?	Proposed Annual budget 356 Donations of \$150,000.					

Table 1. Ongoing Financial Implications

Options Considered

- Three options described above.

Preferred Option

- Maintain the current distinction between the Community Services Fund and the Community Assistance Fund and review prior to next financial year.
- Maintain a maximum of two rounds per financial year.

Planned Communications

- Local media advertisements and social media posts
- DRC website links and information
- Letters to all applicants with outstanding acquittals



REPORT: Destination Dubbo Funding

DIVISION: Community, Culture and Places
REPORT DATE: 11 July 2023
TRIM REFERENCE: ID23/1770

EXECUTIVE SUMMARY

Purpose	Seek endorsement	
Issue	Funding options to consider in the advancement of the Destination Dubbo Projects including the Macquarie River Foreshore Events Precinct, The Old Dubbo Gaol Heritage Plaza and the Wiradjuri Tourism Centre project in regards to capital construction and operational considerations.	
Reasoning	The current funding arrangements for Destination Dubbo are no longer sufficient/suitable. All three projects are at risk as a result.	
Financial Implications	Budget Area	BILT (construction) Regional Events Regional Experiences
	Funding Source	Destination Dubbo: NSW Government Infrastructure NSW Wiradjuri Tourism Centre Stage 2: Create NSW Creative Capital
	Proposed Cost	Cost Estimate Total: \$27,357,338 (includes Stage 2 WTC) Wiradjuri Tourism Centre: \$16,144,897 Heritage Plaza: \$5,265,924 Foreshore: \$5,946,517 Funding Available Total: \$18,583,718 Wiradjuri Tourism Centre: \$10,794,592 Heritage Plaza: \$4,779,087 Foreshore: \$3,010,039 Project Shortfall: -\$8,773,620 Wiradjuri Tourism Centre: -\$5,350,305 Heritage Plaza: -\$486,837 Foreshore: -\$2,936,478
	Ongoing Costs	Current budget reflects a \$400,000 p.a. operational expense once open as a facility noting this as an estimate.
Policy Implications	Policy Title	N/A
	Impact on Policy	N/A
Consultation	BILT Regional Experiences	Dubbo Aboriginal Community Wiradjuri Technical Advisory Panel Peter Stutchbury Architect Yerrabingin Landscaping

		Freeman Ryan Design Mitchell Brandtman 5D Quantity Surveyors Executive Leadership Team
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STRATEGIC DIRECTION

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

Theme: 3 Economy
CSP Objective: 3.1 Visitor economy growth is supported
Delivery Program Strategy: 3.1.1 Diverse and unique tourism opportunities are explored, developed and supported

Theme: 3 Economy
CSP Objective: 3.1 Visitor economy growth is supported
Delivery Program Strategy: 3.1.2 Events that foster cultural, recreational and community interaction are supported

Theme: 5 Liveability
CSP Objective: 5.6 The diversity of our heritage, cultural services and facilities are maintained and promoted
Delivery Program Strategy: 5.6.1 Our community participates in and celebrates the high quality of cultural services and facilities available

RECOMMENDATION

1. That the following funding and delivery strategies be undertaken as the preferred option to enable Council to complete the Destination Dubbo Projects:
 - a. That Council make a formal submission to Infrastructure NSW that all remaining Infrastructure NSW funds are allocated to complete the Macquarie River Events Precinct and the Heritage Plaza projects.
 - b. That Council, recognising the focus of community and Government agencies, partner with an Aboriginal owned organisation to develop a partnership for the construction and ongoing operation of the Wiradjuri Tourism Centre.
 - c. That Council prepares an Expression of Interest application for the Growing Regions Program to fund up to 90% of the Wiradjuri Tourism Centre, utilising the Create NSW funds as Councils match funding contribution.

Craig Arms
Director Community, Culture and Places

JA
Manager Regional
Experiences

BACKGROUND

Background of Destination Dubbo Project and Wiradjuri Tourism Centre provided in appendices including:

- Report background and reason for escalation.
- Background to the creation of space to celebrate and contemplate.
- Background to concept of Wiradjuri Tourism Centre.
- Wiradjuri Technical Advisory Panel (WTAP).
- Background to engaging with community to take the Wiradjuri Tourism Centre concept to detailed design.
- High level Inclusions and budget estimations of Wiradjuri Tourism Centre stages.
- High Level timeline for the Wiradjuri Tourism Centre.
- Operational business structure options considered.
- Overall business operation - current proposed option.
- Amendment to the Dubbo Local Environmental Plan 2011 for proposed land at Elizabeth Park.
- Consultation on Wiradjuri Tourism Centre funding discussions.
- Consultation on Wiradjuri Tourism Centre.
- Concerns raised through consultation period include.
- Additional engagement undertaken by Tourism Product Development Manager:
 - Inter-Agency & Community Group Engagement.
 - Academic & Technical Engagement.
- Resourcing Implications.
- Operational risks.

Previous Resolutions of Council

<p>13 April 2023 CCC23/27</p>	<ol style="list-style-type: none"> 1. <i>That the Wiradjuri Tourism Centre is the priority project in the Destination Dubbo projects funded by Infrastructure NSW and the Events Precinct is the secondary priority.</i> 2. <i>That it be noted the Heritage Plaza outside Old Dubbo Goal is proceeding given the demolition and earthworks undertaken to date.</i>
<p>10 March 2022 CCC22/11</p>	<ol style="list-style-type: none"> 1. <i>Council acknowledges the contribution of the Wiradjuri Tourism Centre to the region's visitor economy and community engagement.</i> 2. <i>Council endorses the Chief Executive Officer to progress the successful Expression of Interest application to apply for \$5,000,000 with NSW Government agency, CREATE NSW's Creative Capital funding stream for the delivery of Stage 2 of the Wiradjuri Tourism Centre.</i> 3. <i>If the funding application is successful, Council endorses Stage 2 of the Wiradjuri Tourism Centre be construction in parallel with Stage 1, noting the project delivery efficiencies in addition to the associated stage 2 asset depreciation, operating costs and income opportunities.</i>
<p>26 November 2018</p>	<ol style="list-style-type: none"> 1. <i>That following an appropriate internal feasibility review the Chief Executive Officer be authorised to submit a Business Case to the</i>

CCL18/220b	<i>Regional Growth Environment Tourism Fund for Destination Dubbo – Internationally Ready.</i>
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REPORT

The current Destination Dubbo Funding is inadequate to deliver all three projects. The current financial position of the project identifies a **project shortfall of \$8,773,620**. The following table identifies the spread of funding of the project and current cost estimations.

	Foreshore Event Precinct	Heritage Plaza	Wiradjuri Tourism Centre	Total
Total Funding	3,010,039	4,779,087	10,794,592	18,583,718
Total Expenditure (cost estimate)	5,946,517	5,265,924	16,144,897	27,357,338
Surplus / Deficit	-2,936,478	-486,837	-5,350,305	-8,773,620

Table 1. Destination Dubbo Funding and project shortfall.

The table highlights the current financial position in regards to the capital construction and delivery of the three destination projects. There are however, operational considerations that Council also needs to acknowledge as part of the decision on the adopted path to progress these projects.

Wiradjuri Tourism Centre Project

In the development of Australian Aboriginal cultural experiences, such as the Wiradjuri Tourism Centre, several ethical considerations are raised that should be taken into account as Council advance this project. Australia’s cultural landscape has continued to shift since the inception of the Destination Dubbo Project 2017. It is important to approach this topic with sensitivity, respect, and a deep understanding of the cultural significance and history of Aboriginal communities and advocacy of self-determination.

Throughout the consultation in the development of the Wiradjuri Tourism Centre the ongoing themes revolved around ensuring “Aboriginal Stories are told by Aboriginal People” and “the facility should be 100% Aboriginal led and operated”. As the project continues, Council needs to ensure Aboriginal cultural knowledge and intellectual property rights are respected.

Ethical Considerations

In recent years, cultural institutions in Australia have made significant progress in recognising the importance of appropriately handling Australian Aboriginal stories and artefacts. This recognition stems from a growing understanding of the need to respect Aboriginal cultural protocols, intellectual property rights, content ownership and self-determination, and the significance of these stories and artefacts.

A strong trend is emerging within global cultural institutes in regards to ethical collection practices, cultural protocols and intellectual property ownership. Cultural institutions are implementing protocols and guidelines for appropriately handling Aboriginal stories and artefacts. These protocols respect cultural sensitivities, ownership, and intellectual property

rights of Aboriginal communities in a culturally appropriate manner. The trend continues with more cultural organisations, programs and funding streams being targeted at organisations that are 100% Aboriginal owned, led and operated.

The ethical delivery of Australian Aboriginal cultural experiences, interpretation and stories in museums requires an ongoing commitment to respect Aboriginal communities. By upholding these considerations, museums can play a positive role in promoting cultural understanding, reconciliation, and social justice.

Self-Determination

Australian Aboriginal self-determination and ownership of cultural knowledge are of utmost importance. Aboriginal people have a rich cultural heritage that is deeply intertwined with their identity, spirituality, and well-being. Self-determination and ownership of cultural knowledge allow Aboriginal communities to maintain, protect, and pass down their traditions, languages, ceremonies, and practices to future generations. This fosters a sense of pride, belonging, and cultural continuity, which are essential for the overall well-being of individuals and communities.

Self-determination empowers Aboriginal communities to make decisions about their own cultural practices, governance, and development. It recognises their right to determine their own priorities, aspirations, and pathways to social, economic, and cultural advancement. Aboriginal cultural knowledge is a valuable and irreplaceable resource. Ownership of this knowledge allows Aboriginal communities to protect it from misappropriation, misinterpretation, or distortion by external entities. It ensures that cultural protocols, practices, and teachings are respected and maintained authentically, preserving the integrity of Aboriginal culture for future generations.

Aboriginal self-determination and ownership of cultural knowledge enable communities to participate in the cultural economy on their terms. Aboriginal art, music, dance, storytelling, and other forms of cultural expression have gained international recognition and economic value. By owning their cultural knowledge, Aboriginal communities can control the production, distribution, and commercialisation of their cultural products, leading to economic self-sufficiency, job creation, and community development.

Aboriginal self-determination and ownership of cultural knowledge encompass the recognition and protection of their intellectual property rights. By having ownership and control over their intellectual property, Aboriginal communities can ensure that their knowledge is safeguarded, respected, and appropriately used, while also benefiting economically from its commercial exploitation.

The question raised when acknowledging the need for Aboriginal self-determination within the Dubbo Region is, "if Council undertakes this project without Aboriginal partnerships and the product being owned by Aboriginal Community, are we depriving our First Nations community of this opportunity?"

Government, Not-for-Profits and Philanthropic Funding Trends

The current funding trend through Federal and State funding streams indicate that funding for Aboriginal facilities, experiences and exhibitions will be targeted to give a greater opportunity to Aboriginal owned and led organisations, facilities and programming.

This is highlighted in the Australian National Cultural Policy: REVIVE (<https://www.arts.gov.au/what-we-do/new-national-cultural-policy>) and several existing funding streams, such as the Australian Government Growing Regions Program (GRP). The GRP allows for an application of up to a matched \$15million. As a local government organisation, Council would need to match the funding 50:50, where as an Aboriginal owned organisation is required to only contribute 10% with a 90:10 funding contribution.

There has also been a noticeable increase to Aboriginal owned/led funding through NSW Government departments such as Create NSW that provides significant funding for both capital funding but also operational and programming. There are now several streams for creative and arts funding that is specifically for Aboriginal owned projects and artists.

If Council undertakes the operational delivery of the Wiradjuri Tourism Centre, as explained above, it will not have the same access to funding if it were operated by an Aboriginal owned organisation. This is a clear market signal driven by Government agencies and funding bodies.

There has recently been a number of non-for-profit and philanthropic organisations that have indicated funding is only available to First Nations owned and led organisations. An example of this is the Blak Angels (www.blakangels.org) initiative that is part of the Minderoo Foundation (www.minderoo.org), led by Andrew and Nicola Forrest, that has recently undertaken a partnership with the US Consulate General.

“The Blak Angels Investment Network is an innovative and exciting initiative established with the objective of promoting economic development and empowerment within the First Nations communities. This ground-breaking project is supported through a collaborative partnership between the U.S. Consulate General Perth, Minderoo’s Generation One, and a team of First Nations investors from Australia.”

Construction Budget Implications

As indicated in Table 1, the Wiradjuri Tourism Centre is \$5.3million over budget for completion of the project as per Quantity Surveyors (QS) cost estimation. The project is now ready for development application (5 month approval process).

Through the development of the Wiradjuri Tourism Centre design, Council worked closely with the Aboriginal community to ensure an Aboriginal voice guided the co-designed facility. This included the Aboriginal Community selecting the Architect (Peter Strutchbury Design) and working closely with an Aboriginal Landscape Designer (Yerrabingin) and the consultation of the exhibition and interpretation, with an exhibition company (Freeman Ryan Designs) familiar and with experience on working with Aboriginal led experiences.

The design responds to community and the pride of culture. The funding partners have indicated the approach Council has taken with this project, and the final design, is unparalleled in quality and consultation, with Aboriginal projects they have partnered with previously. Create NSW has expressed a reduction in scope and design to meet funding shortfalls would not meet their expectations and funding deed outcomes. They have expressed that the department is not interested in funding a project that compromises communities design and expectations.

Although there have been cost saving measures implemented into the design, and construction and material changes that can be approached as part of the construction scope, the potential construction savings of undertaking these changes will not impact the budget to the extent needed to pursue construction with the current budget. Simply the \$5.3M funding shortfall cannot be made up with scope changes, without jeopardising the overall quality and purpose of the experience. The current funding partners have expressed this is not a suitable option. There is also a very high risk that a compromised, reduced scope will cause community angst.

Old Dubbo Gaol Heritage Plaza

The Old Dubbo Gaol Heritage Plaza project has encountered significant delays and unexpected hurdles and costs within the delivery of the project. The delays have also contributed to cost escalations encountered over the last four years.

The design and cost implications of heritage items being located as part of the building demolition, resulting in a large heritage assessment through an archaeological site survey, have impacted the ability to delivery this project within project timeline and project budget. This impact now leaves the project with a reduced scope in the landscaping that is able to be done within original budget as well as higher financial impacts for the heritage works undertaken adding further pressure to the project budget. To deliver this project, additional funds will need to be identified to deliver this reduced scope that can still meet funding deed outcomes. Table 1 identifies the minimum additional costs required to deliver this project to meet funding deed outcomes. The project is still delayed through NSW Heritage approvals, although the heritage excavation has now taken place and approval is expected soon. Once received, this project can re-commence immediately with the design of the artwork footings, artwork installation and site landscape design and installation.

Macquarie River Foreshore Events Precinct

Delays with this project have also contributed to cost escalations encountered over the last four years with the rising cost of building materials within the industry. Table 1 identifies the funding required to complete this project within funding deed outcomes. The project has now completed the development application part of the project and is ready for tender and construction. If the additional funds can be allocated to this project, the project can continue immediately.

FUNDING & DELIVERY STRATEGIES

Destination Dubbo Funding Option 1.1 – Infrastructure NSW Funds

The recommendation and preferred option is for Council to request that the \$4,030,746 remaining Infrastructure NSW Funds currently allocated to the WTC are reallocated to the Macquarie River Events Precinct (\$2,936,478) and the Heritage Plaza (\$486,837). This will provide enough funding for projects to be complete with an additional contingency (\$607,431). This will allow advancement of both of these projects to be delivered without putting the funds at further risks with additional delays to the overall project. Infrastructure NSW has requested that there are no further delays on the Destination Dubbo funding deed and any further delays may put the entire deed at risk of forfeit.

There still remains a risk that Infrastructure NSW will demand the funds back from the original funding deed as the original delivery date was April 2022. It is important Council presents a clear path forward to Infrastructure NSW immediately to avoid the risk of defaulting on the original funding deed.

	Wiradjuri Tourism Centre	Foreshore Events Precinct	Heritage Plaza	Additional Contingency
Total project cost estimate required	\$16,144,897	\$5,946,517	\$5,265,924	\$0
Actual Expenditure and Committed to Date	\$1,763,888	\$912,261	\$4,715,924	\$0
Current unspent budget remaining	\$4,030,746 (Infrastructure NSW) \$4,999,958 (Create NSW)	\$2,097,779 (Infrastructure NSW)	\$63,163 (Infrastructure NSW)	\$0
Proposed reallocation of WTC Infrastructure NSW Funding	\$0 (Infrastructure NSW)	\$2,936,478 (Infrastructure NSW)	\$486,837 (Infrastructure NSW)	\$607,431 (Infrastructure NSW)
New forward budget forecast after reallocation of WTC Funding.	\$0 (Infrastructure NSW) \$4,999,958 (Create NSW)	\$5,946,517 (Infrastructure NSW)	\$5,265,924 (Infrastructure NSW)	\$607,431 (Infrastructure NSW)

Table 2. Potential Redistribution of Destination Dubbo Funding

Destination Dubbo Funding 1.2 Growing Regions Program

To advance the Wiradjuri Tourism centre, it is proposed Council partners with an Aboriginal owned organisation to develop a partnership for the construction and ongoing operation of the facility. This partnership would include an Expressions of Interest application to the Growing Regions Program (<https://www.infrastructure.gov.au/territories-regions-cities/regional-australia/regional-and-community-programs/growing-regions-program>) for up to \$15million from a funding pool of \$300million available to support capital works projects for community and economic infrastructure across rural and regional areas.

Initial conversations have taken place with a potential Aboriginal organisation on the opportunity to partner with Council in the development of a partnered grant application and the potential of a partnered operational delivery of the Wiradjuri Tourism Centre. This conversation, although in its infancy, delivered significant positive feedback and interest in the concept of a partnered delivery of the facility. Although significant work will need to be undertaken to build a partnership beneficial to all parties, the initial concept was discussed with high interest.

Discussions have also commenced with the Growing Regions Program funding partner on the project and potential partnership funding eligibility to determine the best course of action in regards to the selection and development of a partnership with Council and an Aboriginal Organisation. This will help determine how Council best proceeds with the development of any potential partnership and the timeline available to indicate the preferred path of application.

Growing Regions Program Funding Process

Council prepares an Expression of Interest application for the Growing Regions Program. This partnership would allow for an application that is 90% funded by the Australian Government. It is proposed the Create NSW Stage 2 funding be provided as Council's contribution as well as the long term lease of the proposed Elizabeth Park land towards the project. Details of the funding application:

	Create NSW Funding	Dubbo Council	Regional Growing Regions Program (GRP)
Cash Contribution	\$4,999,958	\$0	\$9,381,051
Percentage Contribution	35%	0%	65%

It is proposed a higher funding amount is applied for through the GRP Funding stream to allow for a higher than original forecast project contingency. A higher contingency will mitigate risk of potential cost escalation during the approval period of the Growing Region Program. By utilising the Create NSW funds as Council's contribution, the opportunity to apply for up to 90% is available through the partnership.

The funding application will apply for the funds required to undertake stage 1 and stage 2 of the Wiradjuri Centre.

The current budget estimates are Stage 1 (\$7,446,939) + Stage 2 (\$6,934,070) for a project total of \$14,381,009. This project total does not include the funds already allocated that will still be covered by the original Infrastructure NSW Funding. It has been indicated that Infrastructure NSW is comfortable to continue to fund any expenditure already undertaken in the design and approvals part of this project. The actual to date expenditure of \$589,285 and committed expenditure of \$274,603 comprising of design fees, approvals and consultation costs.

Utilising the Create NSW Funds already received through the Creative Capital Fund of the NSW Government of \$4,999,958 as the applicants contribution, leaves a remaining balance of \$9,381,051. The funding does allow for an application up to \$15,000,000. Before final application, an updated cost estimate and renewed contingency will be undertaken to determine final funding application amount.

Additional Options Considered

- Reduce Scope to reduce construction costs. Proceed with the development of the Wiradjuri Tourism Centre with a reduced scope and budget.
Unsuitable. The funding partners deemed this option unsuitable as Create NSW was unwilling to reduce deed outcomes and were not in favour of a compromised design that will not meet their requirements for funding and community expectations. Although potential construction cost savings may be achieved through the tender and construction phase of the project with changes to materials, treatments and fit-out, the amount required to reduce the design to meet current funding available would be unsuitable.
- Wiradjuri Centre budget shortage is funded by Dubbo Regional Council.
 - Internal Loan
Although there are various funding strategies based on the different funding deeds with Infrastructure NSW and Create NSW, this option is not suitable due to the high levels of interest forgone as part of an internal loan funding strategy.

The various levels of funding required to pay back the internal loan as highlighted in the tables below, would require a Special Rate Variation. This work would be included in the current works commenced as part the council resolution at its Ordinary Council meeting on the 22 June 2023. That Council undertake a community engagement and education program regarding Council's financial position and the potential for a special rate variation to Independent Pricing and Regulatory Tribunal (IPART).
Unsuitable due to the timing, for both IPART approval and current funding partner Deed timelines.

WTC Loan Calculation Estimates for Funding Shortfall with Infrastructure Funding		
Principal	\$5,350,305	
Internal Borrowing Rate p.a.	4.10%	Loan at RBA Cash Rate
External Borrowing Rate p.a.	5.60%	Loan at recent investment rate
	INTEREST FOREGONE @ 4.10%	INTEREST FOREGONE @ 5.60%
1 Year	\$165,078	\$225,747
2 Years	\$276,985	\$379,691
5 Years	\$621,596	\$858,033
7 Years	\$858,729	\$1,190,622
10 Years	\$1,225,456	\$1,709,848
15 Years	\$1,865,782	\$2,628,470
20 Years	\$2,541,836	\$3,611,428
25 Years	\$3,252,614	\$4,655,446

WTC Loan Calculation Estimates for Funding Shortfall without Infrastructure Funding		
Principal	\$9,381,051	
Internal Borrowing Rate p.a.	4.10%	Loan at RBA Cash Rate
External Borrowing Rate p.a.	5.60%	Loan at recent investment rate
	INTEREST FOREGONE @ 4.10%	INTEREST FOREGONE @ 5.60%
1 Year	\$289,443	\$395,817
2 Years	\$485,656	\$665,739
5 Years	\$1,089,887	\$1,504,448
7 Years	\$1,505,667	\$2,087,599
10 Years	\$2,148,674	\$2,997,993
15 Years	\$3,271,401	\$4,608,673
20 Years	\$4,456,772	\$6,332,160
25 Years	\$5,703,028	\$8,162,708

WTC Loan Calculation Estimates for Construction Costs without Infrastructure and Create NSW Funding		
Principal	\$14,381,009	
Internal Borrowing Rate p.a.	4.10%	Loan at RBA Cash Rate
External Borrowing Rate p.a.	5.60%	Loan at recent investment rate
	INTEREST FOREGONE @ 4.10%	INTEREST FOREGONE @ 5.60%
1 Year	\$443,712	\$606,782
2 Years	\$744,504	\$1,020,567
5 Years	\$1,670,780	\$2,306,296
7 Years	\$2,308,165	\$3,200,257
10 Years	\$3,293,885	\$4,595,878
15 Years	\$5,015,008	\$7,065,026
20 Years	\$6,832,164	\$9,707,105
25 Years	\$8,742,655	\$12,513,308

- Diversion of funds
Unsuitable. There are no identified current capital projects that can be delayed or removed to allocate the high level of additional funding required for the Wiradjuri Tourism Centre.
- Consolidate Wiradjuri Centre into the Cultural Precinct Project with the proposed location of the Western Plains Cultural Centre.
Unsuitable. As part of the Wiradjuri Tourism Centre community engagement and consultation a location project was undertaken to identify the preferred option for the construction site. The request for Wiradjuri Centre to not be a part of Western Plains Cultural Centre was prominent in the responses and deemed unsuitable as part of the consultation with the Aboriginal community.
- The Wiradjuri Tourism Centre is no longer pursued as a viable project and is not continued.
Unsuitable. The potential community angst within Aboriginal and non-Aboriginal Community of not proceeding with this project is expected to be high. The project has had a high profile within the community that further grew expectation as a suitable replacement for Wiradjuri Park. Aboriginal themes within the region have continued to impact the cultural and visitor economy and this project will further escalate the celebration of Aboriginal culture and respond positively to the social, cultural and economic wellbeing of the Aboriginal community within this region.

Consultation

- Regional Experience Branch
- Wiradjuri Technical Advisory Panel (now discontinued)
- Wiradjuri Committee of Council
- NSW Government, NSW Infrastructure (through Director)
- NSW Government, Create NSW Infrastructure
- NSW Government, Department of Regional NSW (through Director)
- Peter Stuchbury Architects (Consultants)
- MitchellBrandtman 5D Quantity Surveyors & Construction Expert Opinion (Consultants)

Future Operational Analysis

If Council proceeds with the development of the Wiradjuri Tourism Centre, there are still several identified issues Council needs to consider in the ongoing delivery of the cultural tourism attraction. As an appendices to this report, an operational risks paper has been prepared to highlight these issues that will need to be resolved before the project is completed. These operational risks add further pressure to the ongoing operational costs and budget pressure of the Wiradjuri Tourism Centre

Resourcing Implications

The current forecast budget in the adopted forward budget of Dubbo Regional Council allows for a \$400,000pa (with no yearly increase) for the Wiradjuri Tourism Centre. The original forecasts of expected income and expenses before cost escalations and expected difficult operating conditions that are likely to make up the forward operational environment. These include impacts to expenditure such as utilities and staffing costs as well as higher than expected specifications in humidity and temperature controls across multiple buildings and increased capacity of the exhibition and open spaces.

Additionally, Council's opportunity to receive operational funding for programming and employee costs may be more difficult to achieve over an Aboriginal led organisation. Many of the expected costs and activation initiatives of the facility may be able to be undertaken with less overheads and roadblocks in the delivery of the service and cultural activations by an Aboriginal organisation in comparison to a council run facility.

Planned Communications

- Regional Experiences Team
- Cultural Development Team
- Councillors
- Wiradjuri, SPARC and Cultural Tourism Facility Committees
- Dubbo Local Aboriginal Lands Council
- Dubbo Aboriginal Community Working Party
- Wellington Aboriginal Action Panel
- Wider Aboriginal Community
- Wider Dubbo Regional Community



REPORT: Growing Regions Program Round 1 - Expressions of Interest

DIVISION: Chief Executive Officer
REPORT DATE: 19 July 2023
TRIM REFERENCE: ID23/1807

EXECUTIVE SUMMARY

Purpose	Seek endorsement	
Issue	Council has an opportunity to submit Expressions of Interest for eligible projects to the Growing Regions Program Round 1	
Reasoning	Staff propose to complete three Expressions of Interest and are seeking Council's endorsement to submit to the funding body for consideration.	
Financial Implications	Budget Area	Community, Culture and Places Infrastructure Development and Environment
	Funding Source	Capital Expenditure Program Other grant funding (Infrastructure NSW and Create NSW)
	Proposed Cost	\$2,228,000
	Ongoing Costs	To be determined at Stage 2 of the application process
Policy Implications	Policy Title	There are no policy implications arising from this report.
	Impact on Policy	N/A

STRATEGIC DIRECTION

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

Theme: 4 Leadership
CSP Objective: 4.2 The resources of Council are sustainably managed
Delivery Program Strategy: 4.2.1 The system of raising revenue is equitable and revenue from grants and other income sources is maximised

RECOMMENDATION

- 1. That the Chief Executive Officer submit the four Expressions of Interest, as summarised in the report, to the Growing Regions Program Round 1.**
- 2. That Councillors be advised and updated as to the status of submissions as the information becomes available.**

Murray Wood
Chief Executive Officer

MW
Chief Executive Officer

BACKGROUND

Previous Resolutions of Council

13 July 2023 CSC23/41	<ol style="list-style-type: none">1. <i>That Council consider the information provided in the report.</i>2. <i>That Council advise the Chief Executive Officer of its preferred project preferences that are to undergo further investigation to determine eligibility and suitability in meeting the guidelines of the Growing Regions Program – Round 1.</i>3. <i>That a further report be brought to Council at its meeting to be held 27 July 2023 detailing suitable projects and seeking Council’s endorsement to submit expressions of interest.</i>4. <i>That all documentation in relation to this matter remain confidential to Council.</i>5. <i>That the Mayor write to relevant Commonwealth and State Government Ministers to seek extra funding for the Wiradjuri Cultural Tourism Centre.</i>
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Summary of the Growing Regions Program – Round 1

The program will deliver grants up to a maximum of \$15,000,000 over 3 years to deliver community infrastructure projects.

It will deliver community and economic benefits by investing in community-focused infrastructure which revitalises regions and enhances amenity and liveability throughout regional Australia.

The objectives of the program are:

- constructing or upgrading community infrastructure that fills an identified gap or need for community infrastructure
- contributing to achieving a wide range of community socio-economic outcomes
- is strategically aligned with regional priorities.

The intended outcomes of the program are:

- delivery of community-focused infrastructure which contributes to local and regional priorities
- provision of infrastructure which benefits the community by improving equity and supports diverse social inclusion
- to contribute to the achievement of broader Government priorities such as net zero emissions, gender equity, and/or First Nations priorities
- growing local economies and enhancing amenity and liveability in the regions.
- Growing Regions Program Round 1 will be delivered through a two-stage selection process.

Projects must be completed by 31 December 2025.

Projects must:

- be aimed at constructing new community infrastructure or expanding or upgrading existing infrastructure for wider community benefit
- be located outside of the Greater Capital City Statistical Areas (GCCSA) as defined by the Australian Bureau of Statistics (see the mapping tool on the Department of Infrastructure, Transport, Regional Development, Communications and the Arts website)
- not have commenced construction
- not have received Commonwealth funding to undertake the same grant activities
- have a minimum eligible expenditure of at least \$555,556 (group 1-up to 90% eligible project costs), \$714,286 (group 2) or \$1,000,000 (group 3 - up to 50% eligible project cost) depending on co-funding requirements as outlined in section 3.1. of the Grant Opportunity Guidelines.

Growing Regions Program webpage link: <https://business.gov.au/grants-and-programs/growing-regions-program-round-1>

REPORT

Following Councillor advice (CSC23/41) Council staff will progress and submit Expressions of Interest the following four projects.

1. Wiradjuri Tourism Centre
First Nations Controlled Organisation Partnership (part Destination Dubbo Project)
(Stage 1 and 2)
Elevation and section drawings are attached at **Appendix 1**.
2. Animal Shelter Rebuild
Elevation and sections and site plan drawings are attached at **Appendix 2**.
3. Macquarie River Sandy Beach Erosion Control works
The Site Summary - Site 4 - Sandy Beach is attached at **Appendix 3**.
Note: It is difficult to source funding at a 90:10 split for this type of environment rehabilitation and this opportunity relates to disaster declarations.
4. Shared pathway, Wellington (Pioneer Park to Brennans Way)
Upgrading of an existing gravel pathway to a concrete shared pathway from Pioneer Park to Brennans Way to improve disability access as well as general access to the Wellington Showground and Mt Arthur with an estimated cost of \$1.2M. This will be an addition to the existing shared pathway works currently being undertaken in Pioneer Park of approximately \$0.96M. With the overall shared pathway project totalling \$2.15M. This will be applied for under group 3 - up to 50% eligible project cost, overall cost for the works.



Options Considered

Staff considered a number of infrastructure projects such as the Duke of Wellington Bridge refurbishment. Whereby such projects would be better suited to other funding channels it was determined that such projects would be progressed at a later time when other funding opportunities are to become available. For example, the Duke of Wellington Bridge refurbishment is classified as essential infrastructure and likely eligible for disaster recovery funding.

Timeframe

Key Date	Explanation
5pm 1 August 2023	Expression of Interest (EOI) submissions close
1 November 2023	If an EOI is approved and DRC is invited to progress to stage 2 (full application), submissions open
5pm 12 December 2023	Full application submissions close
14 May 2024	Latest date to commence project
31 December 2025	Completion date of project

APPENDICES:

- | | | |
|---|--|-------------------------------|
| 1 | Wiradjuri Tourism Centre - Elevations and sections (DA) | Provided under separate cover |
| 2 | Animal Shelter - Elevations and sections, Site plans - 30L
Boothenba Road Dubbo | Provided under separate cover |
| 3 | Site Summary - Site 4 - Sandy Beach | Provided under separate cover |



REPORT: Draft 2023-2027 Community Engagement Strategy (including Community Participation Plan)

DIVISION: Strategy, Partnerships and Engagement
REPORT DATE: 18 July 2023
TRIM REFERENCE: ID23/1801

EXECUTIVE SUMMARY

Purpose	Seek endorsement	
Issue	Council has prepared a Community Engagement Strategy (including Community Participation Plan) 2023-2027 (attached in Appendix 1).	
Reasoning	<ul style="list-style-type: none"> To endorse the Draft 2023/2027 Community Engagement Strategy (including Community Participation Plan) If adopted following Council consideration and public exhibition, the Draft Community Engagement Strategy (including Community Participation Plan) 2023/2027 will replace the former policies Community Participation Plan 2019 and Community Engagement and Communication Policy 2017. 	
Financial Implications	Budget Area	There are no financial implications arising from this report.
	Funding Source	N/A
	Proposed Cost	N/A
	Ongoing Costs	N/A
Policy Implications	Policy Title	Community Participation Plan 2019 Community Engagement and Communication Policy 2017
	Impact on Policy	If adopted, the policies will be superseded and replaced by the Community Engagement Strategy (including Community Participation Plan) 2023-2027

STRATEGIC DIRECTION

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

Theme: 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

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.2 Council's decision-making processes are open, transparent and accountable

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.3 Council provides quality customer service

RECOMMENDATION

1. That the Draft 2023 – 2027 Community Engagement Strategy (including Participation Plan) be adopted by Council for the purpose of public exhibition.
2. That the Draft 2023 – 2027 Community Engagement Strategy (including Participation Plan) be placed on public exhibition for a period of not less than 28 days.
3. That following completion of public exhibition and community consultation, a further report be presented to Council for consideration, including the results of the public exhibition and community consultation.

Natasha Comber
Director Strategy, Partnerships and Engagement

CC
Manager Customer
Experience and
Engagement

BACKGROUND

Council is required to undertake corporate planning and reporting activities in accordance with the Local Government Act 1993, Local Government (General) Regulation 2021, and the NSW Government's Integrated Planning and Reporting (IP and R) Guidelines Handbook 2021.

The Local Government Act 1993 (the Act) states that Council must establish and implement a Community Engagement Strategy. The Community Engagement Strategy must be exhibited for 28 days if it is combined with a Community Participation Plan, as per the Environmental Planning and Assessment Act 1979 (EP&A Act). Following consideration of community feedback, the strategy should be presented to Council for endorsement.

Under this legislation, Council is required to:

- Engage with the community to prepare a draft Community Engagement Strategy by 31 December in the year of the local government elections and review the strategy at least every four years
- Publicly exhibit the draft Community Engagement Strategy for at least 28 days and invite submissions.

All councils are required to prepare a Community Engagement Strategy to support the development of their plans, policies, programs and key activities. This includes those relating to Integrated Planning and Reporting. The NSW Office of Local Government recommends the Community Engagement Strategy be incorporated with the Community Participation Plan, which this draft strategy has done. The Community Participation Plan identifies how and when we will engage with our community on the planning functions Council performs under the EP&A Act. Council's Community Participation Plan was adopted by Council in November 2019 and this updated revision contains minor changes in relation to notification requirements, as per legislative changes.

The Community Engagement Strategy identifies relevant stakeholder groups within the community and outlines when, how and why each group will be able to provide input into Council's long-term planning and decision making.

Development of a Community Engagement Strategy was identified as an action in the 2022/2023 Operational Plan.

Previous Resolutions of Council

27 June 2022 CCL22/168	<i>In part</i> 1. <i>That the draft 2022/2023 Delivery Program and Operational Plan (as amended and attached in Appendix 2), ... be adopted and commence operation on 1 July 2022.</i>
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REPORT

As noted in the strategy, Community engagement is a shared responsibility. We all have a role to play in participatory decision-making that shapes the places where we live, work, play and create. The strategy looks to articulate the roles for Council and the community in initiating, leading, participating in and delivering engagement activities.

A benefit of this strategy will be that Council's engagement methods are clearly outlined according to the level of community participation being sought, which can be determined by using the matrix. This is a key step in effectively managing stakeholder expectations and the directing of resources.

As an organisation in considering this strategy Council needs to embrace the concept that engagement is an ongoing looped process. It does not just relate to a public exhibition period, though this is often the seen as the operationalisation of engagement to inform a decision making process. Engagement is essential in gaining insight to the need or reasoning for a project, and initiative or decision. It is often required to actually help inform a report to Council even prior to a public exhibition period is endorsed. It is also important to note that engagement does not finish after submissions to a public exhibition close, and that community need to continue to be informed of decision making and project outcomes.

Development of an endorsed framework will support shared understanding with all stakeholders around policies and practices to ultimately support better engagement, increased community participation and informed decision making.

This framework is established through the strategy, namely:

What is Community Engagement?

- Engagement Principles
- Why community participation is important
- The Integrated Planning and Reporting Framework
- Roles and responsibilities
- Responsible behaviour

Our engagement approach

- How we engage
- Our stakeholders
- Inclusive and accessible engagement
- Levels of Community Participation
- Engagement Standard Matrix
- Engagement Methods and Resourcing

Implementation

- What we engage on
- When engagement is not required

What is Public Exhibition?

- Public Exhibition notification and timeframes
- Key points to note about Public Exhibitions
- Tips on writing an effective submission
- Should I sign a petition?
- What happens to my submission?

Our commitment to engagement

- How we listen and respond
- Evaluation and measurement
- Putting our commitment into action

Consultation

- A Councillor workshop was held on 6 April 2023 which explored effective community engagement practices.
- Internal consultation was undertaken with Council's Building and Development Services, Growth Planning, Integrated Planning, Environmental Systems, Corporate Governance, Recreation and Open Space and Customer Experience branches, and the Strategy Partnerships and Engagement division, as part of the preparation of the draft strategy.
- A Senior Leadership Meeting workshop was conducted on 6 July 2023 to engage internal stakeholders and obtain feedback on the draft strategy.
- The draft strategy was endorsed by the Executive Leader Team during the meeting on 28 June 2023.
- A Your Say project page will be developed for the community to view the draft Community Engagement Strategy and provide ongoing feedback.
- Endorsement of the strategy by Council will enable further consultation to be undertaken with the community.

Resourcing Implications

- Monitoring of strategy adherence and any resulting action required will likely have some impact to Engagement and Customer Insights staff resources as we raise the standard and consistency of service. However it is expected this will be managed within existing resources levels within the Customer Experience and Engagement Branch and improved capability will ultimately save resources across the organisation from the often reactive processes resulting from misaligned engagement and related practices.
- A business case is in development to be presented to the Director of Strategy Partnerships and Engagement for consideration of a reallocation of existing resources within the Customer Experience and Engagement branch to establish a position, focused on supporting the organisation to meet the expectations and standards of the strategy across a range of projects and services.

- Ongoing reviews of the strategy must be conducted at a minimum of three year intervals or as legislation changes and this will occur within existing resources and engaging with Local Government NSW for specific advice.

Preferred Option

- That the Draft Community Engagement Strategy (including Community Participation Plan) 2023-2027 be endorsed.

Planned Communications

- A detailed engagement program will support the exhibition period.
- Pending the adoption of the strategy Council staff to be made aware if the outcome and provided with access to a copy of the draft strategy to provide feedback.
- Pending adoption of the strategy, community be made aware of the outcome with the strategy uploaded to the website www.dubbo.nsw.gov.au under A-Z Council Policy Page and dedicated Your Say project page.
- Strategy to be uploaded to all consultation project pages within Your Say ongoing.
- Building internal capacity and capability on engagement through external training and local government industry will be continued and as a result greater support and development of staff across the organisation will be undertaken.

Timeframe

Key Date	Explanation
August 2023	Public Exhibition Period (no less than 28 days)
September/October	Further report to Council for final adoption

APPENDICES:

- 1⇒ 2023 - 2027 Draft Community Engagement Strategy (including Community Participation Plan) Provided under separate cover



DUBBO REGIONAL
COUNCIL

REPORT: Questions on Notice - Councillor Richard Ivey

DIVISION: Elected Members
REPORT DATE: 10 July 2023
TRIM REFERENCE: ID23/1764

QUESTIONS ON NOTICE

As per section 3 clause 3.13 of Council's Code of Meeting practice a Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of the council.

Clause 3.15 permits the Chief Executive Officer or their nominee, to respond by way of a report included in the business papers for the relevant meeting of the council.

This allows the question and response to be public. Councillors are not able to further debate these responses it is only for notation.

Council has received the following Question on Notice from Councillor R Ivey. The questions are submitted below for the information of Councillors.

Councillor R Ivey

1. *What funding for road maintenance and improvement has Dubbo regional Council received from the proponent of the Bodangora Windfarm since inception of the windfarm?*
2. *What work has Dubbo Regional Council undertaken in respect of affected roads since inception of the windfarm? Details of this work to include:*
 - a. *The timing of the work*
 - b. *The location of the work*
 - c. *The nature of the work undertaken*
 - d. *The allocated cost of each undertaking*

Response

1. **What funding for road maintenance and improvement has DRC received from the proponent of the Bodangora Windfarm since inception of the windfarm?**

As part of the development of the Bodangora Wind Farm, a planning agreement was executed on 12 March 2013 between Wellington Council and Infigen. This planning agreement is publically available on the Dubbo Regional Council website and is attached as Appendix 1.

Part of the agreement nominates a road maintenance contribution of \$25,000 per year for 25 years with 50% payable on the 1 July and 50% payable on 5 January each year. Over the 25 years life of the project, this would generate \$625,000 plus adjustments for CPI.

Since the enactment of the planning agreement, Council has received \$167,708.27 for the road maintenance component and this is placed into a restricted asset so that it can only be used for the purposes in the planning agreement. The individual payments to date are shown below.

Contribution due date	Amount received
5 January 2017	\$ 13,231.06
1 July 2017	\$ 13,231.06
5 January 2018	\$ 13,231.06
1 July 2018	\$ 13,482.74
5 January 2019	\$ 13,746.40
1 July 2019	\$ 13,962.13
5 January 2020	\$ 13,962.13
1 July 2020	\$ 14,308.41
5 January 2021	\$ 14,418.38
1 July 2021	\$ 14,418.38
5 January 2022	\$ 14,858.26
1 July 2022	\$ 14,858.26
5 January 2023	\$ 0.00
1 July 2023	\$ 0.00
Total	\$167,708.27

The payments due on the 5 January 2023 and 1 July 2023 have not been raised at the time of writing the report. An invoice will be created for these two payments so that the contributions are up to date.

- 2. What work has DRC undertaken in respect of affected roads since inception of the windfarm? Details of this work to include:**
- a. The timing of the work**
 - b. The location of the work**
 - c. The nature of the work undertaken**
 - d. The allocated cost of each undertaking**

As part of the development, the proponent was required to *upgrade Gillinghall Road (and related intersection, causeway, etc) from the intersection with Goolma Road to the intersection of Driell Creek Road, in accordance with plans approved by Council, prior to any Project construction work commencing (other than site mobilisation)*. Further, the planning agreement notes that the proponent is to *maintain Gillinghall Road from the intersection with Goolma Road to the intersection of Driell Creek Road for the duration of the construction phase of the Development, to the reasonable satisfaction of Council*.

There is no definition within the planning agreement in relation to the location for the expenditure of the road maintenance contribution or the type of road maintenance activities to be undertaken. The access point for the turbines is accessed off Gillinghall Road between Goolma Road and Driell Creek Road. This section of road is approximately 10.5km and is

mostly unsealed. It is reasonable to assume that the road maintenance funding would apply to this section of road.

To date, works have not been funded from this restricted asset. Given the low value of funding received, Council has been accumulating funds until there are enough to undertake sufficient works. Council will be putting together estimates for the repair of the causeway as identified in four current CRMs and a smaller causeway that requires replacement. It is intended that these will be estimated and if there are sufficient funds, included in the program of works for this financial year.

This funding source from the planning agreement does not preclude maintenance activities occurring on Gillinghall Road. Council has undertaken maintenance activities from our maintenance budgets on Gillinghall Road and the cost of these activities for each financial year are shown below from the 2017/2018 financial year:

Year	Expenditure
2017/2018	\$ 19,975.16
2018/2019	\$ 6,367.14
2019/2020	\$ 34,409.24
2020/2021	\$ 50,281.18
2021/2022	\$ 53,694.71
2022/2023	\$ 17,918.45
	\$182,645.88

The breakdown of the maintenance activities on Gillinghall Road for each financial year is shown below. Note that the data held does not identify individual locations and that the other maintenance and asset inspection are undertaken throughout the year.

2017/2018

Activity	Month	Expenditure
Grading maintenance	December 2017	\$12,936.14
Other maintenance		\$ 273.54
Asset Inspections		\$ 95.37
Lay pipes	December 2017	\$ 5,853.99
Drainage maintenance	December 2017	\$ 816.12
		\$19,975.16

2018/2019

Activity	Month	Expenditure
Grading maintenance	May 2019	\$ 5,515.31
Other maintenance		\$ 457.24
Asset Inspections		\$ 394.59
		\$ 6,367.14

2019/2020

Activity	Month	Expenditure
Grading maintenance	November 2019 and April 2020	\$ 32,569.73
Other maintenance		\$ 1,633.20
Asset Inspections		\$ 206.31
		\$34,409.24

2020/2021

Activity	Month	Expenditure
Grading maintenance	August 2020 and May 2021	\$47,112.21
Other maintenance		\$ 2,693.46
Asset Inspections		\$ 475.51
		\$50,281.18

2021/2022

Activity	Month	Expenditure
Grading maintenance	February 2022	\$49,739.64
Other maintenance		\$ 3,301.01
Asset Inspections		\$ 654.06
		\$53,694.71

2022/2023


Activity	Month	Expenditure
Other maintenance		\$ 4,281.65
Asset Inspections		\$ 690.90
Flood repairs	February 2023	\$12,945.90
		\$17,918.45

RECOMMENDATION

That the information contained in the report be noted.

RI
Councillor

APPENDICES:

1  Planning Agreement - Bodangora Wind Farm Provided under separate cover



DUBBO REGIONAL
COUNCIL

REPORT: Questions on Notice - Councillor Shibli Chowdhury

DIVISION: Elected Members
REPORT DATE: 11 July 2023
TRIM REFERENCE: ID23/1771

QUESTIONS ON NOTICE

As per section 3 clause 3.13 of Council's Code of Meeting practice a Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of the council.

Clause 3.15 permits the Chief Executive Officer or their nominee, to respond by way of a report included in the business papers for the relevant meeting of the council.

This allows the question and response to be public. Councillors are not able to further debate these responses it is only for notation.

Council has received the following Question on Notice from Councillor S Chowdhury. The question is submitted below for the information of Councillors.

Councillor S Chowdhury

What are Council's plans to cater for increasing demand for car parking in the CBD in the light of developments such as the NSW Government Workplace Hub and private high rise developments? How are these developments managing their own car parking demand?

Response

1. Development Activity in the Dubbo Central Business District

The Dubbo Central Business District has experienced a rise in general development activity for residential accommodation and serviced accommodation development types, in addition to office development. This is reflective of the role of the Dubbo CBD as both a regional service centre and the increasing emphasis on serviced residential accommodation being centrally located near facilities and like activities including restaurants and after hours activities.

The rise in development activity is also highlighted by the need for further residential living typologies, which are also well located in the City.

This development activity is highlighted by the following development approvals:

- Development Application No. D21-165, No. 1 Church Street
Mixed Use Development – Commercial premises (ground floor) and shop top housing (80 residential units)

127 vehicle parking spaces will be provided within the development for use by the development.

- Development Application No. D22-356, 37 Carrington Avenue

Public Administration Building

72 vehicle parking spaces will be provided within the development for use by the development.

- Development Application No. D22-596, 230 Macquarie Street

Mixed Use Development – Commercial premises (ground floor), 162 serviced apartments and shop top housing (41 units)

294 vehicle parking spaces will be provided within the development for use by the development.

2. Vehicle Parking Requirements

The Dubbo Development Control Plan 2013 provides Council's parking requirements for a range of development types. Development in the Dubbo CBD is required to consider the vehicle parking requirements under the provisions of the DCP.

The vehicle parking requirements for development in the Dubbo CBD are as follows:

- Residential apartments: 1 bedroom – 1 parking space
2 bedrooms – 1.3 parking spaces
3+ bedrooms – 1.5 parking spaces
Visitor spaces – 1 per 4 units
- Serviced apartments: 1 bedroom – 1 parking space
2+ bedrooms – 2 parking spaces
- Retail: 1 space per 25m² Net Leasable Area
- Office: 1 space per 40m² Net Leasable Area

3. Strategic Planning for CBD Parking

Our community has identified the ongoing provision of vehicle parking in the Dubbo Central Business District and the Wellington Town Centre as important considerations for the function and future growth of the Region.

Council's Integrated Planning and Reporting Framework, including the 2023/2024 Delivery Program and Operational Plan includes a number of actions in respect of vehicle parking in the Dubbo CBD as below:

Action 2.1.2.7

Undertake a detailed analysis of car parking requirements in the Dubbo CBD that includes identifying future infrastructure needs and associated funding strategies

Action 2.1.4.2

Analyse data from parking sensor trial in and around the Brisbane, Talbragar and Macquarie street shopping precincts in Dubbo and provide reports to Council

Action 2.1.4.3

Ongoing analysis and solution identification for car parking and vehicle access in Dubbo and Wellington

In respect of Action 2.1.2.7 as provided above, Council will be undertaking a body of work to examine current and future vehicle parking requirements and wider infrastructure for the Dubbo CBD. This will include the following:

- Analysis of private and public vehicle parking requirements having regard to existing CBD activity and future CBD growth.
- Analysis of wider pedestrian, active and passive transport movement patterns in the CBD.
- Analysis of CBD infrastructure to identify infrastructure required for future growth and development.
- Preparation of future infrastructure plans to identify funding strategies, including Council's infrastructure contributions framework.

Importantly, this body of work will also review the location, ease of access and suitability of Council owned vehicle parking areas in the CBD and identify whether other vehicle parking opportunities are required.

This body of work is planned for the second half of the 2023/2024 Financial Year due to the furthering of a range of other projects including the Blueridge Link Road and other strategic priorities.

Further information and updates will be provided to Councillors and the community as the project progresses.

RECOMMENDATION

That the information contained in the report be noted.

SC
Councillor