



AGENDA

ORDINARY COUNCIL MEETING

23 NOVEMBER 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 5.30 pm.

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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CCL23/303 LEAVE OF ABSENCE (ID23/2710)

CCL23/304 CONFLICTS OF INTEREST (ID23/2711)

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.

CCL23/305 PUBLIC FORUM (ID23/2712)

CCL23/306 CONFIRMATION OF MINUTES (ID23/2614)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 26 October 2023.

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INFORMATION ONLY MATTERS:

CCL23/307 MAYORAL APPOINTMENTS AND MEETINGS (ID23/2664)

The Council had before it the report dated 6 November 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

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CCL23/308	MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - OCTOBER 2023 (ID23/2690)	35
	The Council had before it the report dated 13 November 2023 from the Director Strategy, Partnerships and Engagement regarding Monthly Reporting Snapshot for Councillors - October 2023.	
 MATTERS CONSIDERED BY COMMITTEES:		
CCL23/309	REPORT OF THE FINANCIAL PERFORMANCE COMMITTEE - MEETING 16 NOVEMBER 2023 (ID23/2738)	50
	The Council had before it the report of the Financial Performance Committee meeting held 16 November 2023.	
CCL23/310	REPORT OF THE PUBLIC SPACES TREE COMMITTEE - MEETING 1 NOVEMBER 2023 (ID23/2696)	53
	The Council had before it the report of the Public Spaces Tree Committee meeting held 1 November 2023.	
CCL23/311	REPORT OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE - MEETING 30 OCTOBER 2023 (ID23/2729)	56
	The Council had before it the report of the Disability Access and Inclusion Advisory Committee meeting held 30 October 2023.	
CCL23/312	REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 9 NOVEMBER 2023 (ID23/2691)	61
	The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 9 November 2023.	
CCL23/313	REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 9 NOVEMBER 2023 (ID23/2692)	65
	The Council had before it the report of the Culture and Community Committee meeting held 9 November 2023.	
CCL23/314	REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 9 NOVEMBER 2023 (ID23/2693)	71
	The Council had before it the report of the Corporate Services Committee meeting held 9 November 2023.	

- CCL23/315 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING 24 OCTOBER 2023 (ID23/2673)** 76
- The Council had before it the report of the Audit, Risk and Improvement Committee meeting held 24 October 2023.

REPORTS FROM STAFF:

- CCL23/316 DRAFT ANNUAL REPORT 2022/2023 (ID23/2376)** 79
- The Council had before it the report dated 29 September 2023 from the Corporate Strategy Performance Coordinator regarding Draft Annual Report 2022/2023.

- CCL23/317 SEPTEMBER 2023 QUARTERLY BUDGET REVIEW STATEMENT (ID23/2676)** 83
- The Council had before it the report dated 8 November 2023 from the Chief Financial Officer regarding September 2023 Quarterly Budget Review Statement.

- CCL23/318 PLANNING PROPOSAL - RECLASSIFICATION OF BOURKE HILL (1L NARROMINE ROAD, DUBBO) (ID23/2532)** 123
- The Council had before it the report dated 7 November 2023 from the Team Leader Growth Planning Projects regarding Planning Proposal - Reclassification of Bourke Hill (1L Narromine Road, Dubbo).

- CCL23/319 PLANNING PROPOSAL R23-006 - NORTH-WEST URBAN RELEASE AREA (ID23/2612)** 146
- The Council had before it the report dated 8 November 2023 from the Senior Growth Planner regarding Planning Proposal R23-006 - North-West Urban Release Area.

- CCL23/320 D23-232 - SECONDARY DWELLING - LOT 51 DP 522340, 16 SPENCE STREET DUBBO** 205
- OWNER/APPLICANT: ROB STARCIC (ID23/2552)**
- The Council had before it the report dated 3 November 2023 from the Planner regarding D23-232 - Secondary Dwelling - Lot 51 DP 522340, 16 Spence Street Dubbo
Owner/Applicant: Rob Starcic.

- CCL23/321 COMMENTS AND MATTERS OF URGENCY (ID23/2744)**

CONFIDENTIAL

CCL23/322 BATTERY ENERGY STORAGE SYSTEMS - PLANNING AGREEMENTS (ID23/2674)

The Council had before it the report dated 8 November 2023 from the Manager Growth Planning regarding Battery Energy Storage Systems - Planning Agreements.

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

CCL23/323 RECRUITMENT OF INDEPENDENT MEMBERS TO ARIC (ID23/2679)

The Council had before it the report dated 10 November 2023 from the Manager Corporate Governance regarding Recruitment of Independent Members to ARIC.

In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).

CCL23/324 PEOPLE CULTURE AND SAFETY QUARTERLY METRICS REPORT (ID23/2665)

The Council had before it the report dated 6 November 2023 from the Manager People Culture and Safety regarding People Culture and Safety Quarterly Metrics Report.

In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).



REPORT: Planning Proposal R23-006 - North-West Urban Release Area

DIVISION: Development and Environment
REPORT DATE: 8 November 2023
TRIM REFERENCE: ID23/2612

EXECUTIVE SUMMARY

Purpose	Seek endorsement	Fulfill legislative requirement
Issue	<ul style="list-style-type: none"> Council at its meeting on 28 September 2023 adopted a Master Plan for the North-West Urban Release Area, which identifies the vision and desired future character for the Precinct. To help realise this vision and deliver housing choice and diversity, Council engaged consultants to prepare a Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan (LEP) 2022. The Planning Proposal seeks to: <ul style="list-style-type: none"> Rezone land to R1 General Residential, R2 Low Density Residential, E1 Local Centre, RE1 Public Recreation and SP2 Infrastructure. Amend the minimum lot size area to 175m², 300m², 450m² and 600m². Introduce dwelling density controls to ensure a mix of dwelling types and built forms are provided. Introduce a gross floor area restriction for the E1 Local Centre zone to maintain the commercial centre hierarchy of Dubbo. Identify land to be reserved for acquisition for future infrastructure. Update mapping associated with heritage item "Mount Olive" to reflect the current lot layout. The Planning Proposal has strategic merit and should be submitted to the NSW Department of Planning and Environment for a Gateway Determination. If issued and subject to any conditions, the Gateway Determination will allow the Planning Proposal to proceed to public exhibition. 	
Reasoning	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Local Environmental Plan Making Guidelines 	
Financial Implications	Budget Area	Growth Planning
	Funding Source	Council received a grant for strategic planning work of \$155,000 from the State Government Department of Planning and Environment.
	Ongoing Costs	N/A
Policy Implications	Policy Title	Dubbo Regional Local Environmental Plan 2022
	Impact on Policy	The Planning Proposal will amend principal

		development standards of the Dubbo Regional Local Environmental Plan 2022.
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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 principal themes and a number of objectives and strategies. This report is aligned to:

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
Theme:	3 Economy
CSP Objective:	3.3 A strategic framework is in place to maximise the realisation of economic development opportunities for the region
Delivery Program Strategy:	3.3.1 Land is suitably zoned, sized and located to facilitate a variety of development and employment generating activities

RECOMMENDATION

1. That Council endorse the Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 for land in the North-West Urban Release Area.
2. That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.
3. That Council liaise with the NSW Department of Planning and Environment and undertake minor administrative amendments to the Planning Proposal if required to ensure a Gateway Determination is issued.
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 following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

Stephen Wallace
Director Development and Environment

SI
Senior Growth Planner

BACKGROUND

1. Previous Resolutions of Council

28 September 2023 CCL23/256	In Part <ol style="list-style-type: none">1. That Council adopt the draft North-West Development Control Plan - Master Plan2. That Council adopt the draft North-West Urban Release Area - Development Control Plan – Stage 1.
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2. 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. 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 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.

REPORT

1. Details of the Planning Proposal

The objective of the Planning Proposal (attached in **Appendix 1**) is to amend the Dubbo Regional LEP 2022 to realise the vision and desired future character of the North-West Urban Release Area Master Plan. It would apply to the land identified in Figure 1 and make the following amendments:

- Rezone land from R2 Low Density Residential and R5 Large Lot Residential to R1 General Residential, R2 Low Density Residential, RE1 Public Recreation, E1 Local Centre and SP2 Infrastructure (Figure 2);
- Amend the minimum lot size area from 600m² and 8ha to 175m², 300m², 450m² and 600m² to provide housing choice and increase dwelling diversity (Figure 3);
- Introduce a dwelling density control to ensure a mix of dwelling types and built forms are provided, effectively utilise public infrastructure and land resources, and meet the demands for regional housing (Figure 4);
- Introduce a gross floor area restriction for the E1 Local Centre to maintain the commercial centres hierarchy of Dubbo and ensure the CBD remains the principal

centre delivering core commercial, retail, business and entertainment services to the Dubbo community, the Region and visitors;

- Identify land to be reserved for the provision of infrastructure (Figure 5); and
- Update maps associated with the heritage item “Mount Olive” to reflect the current lot layout.

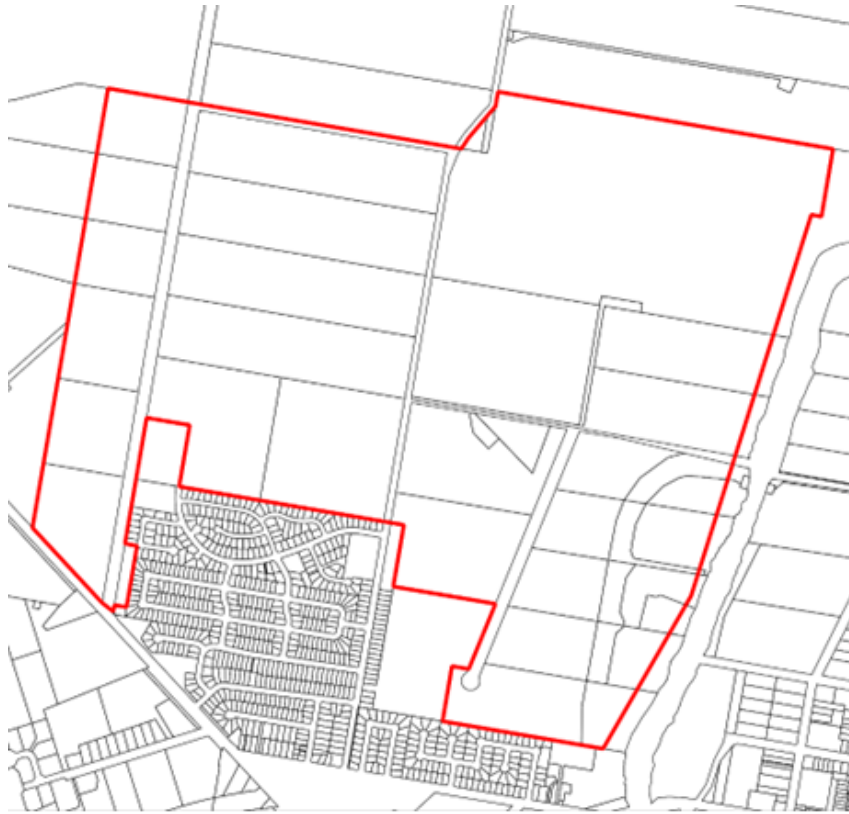


Figure 1 – Land to which this planning proposal applies

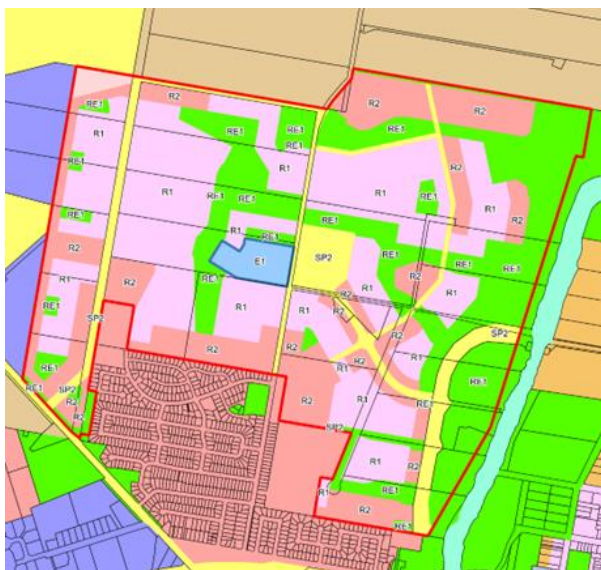


Figure 2 – Land zoning

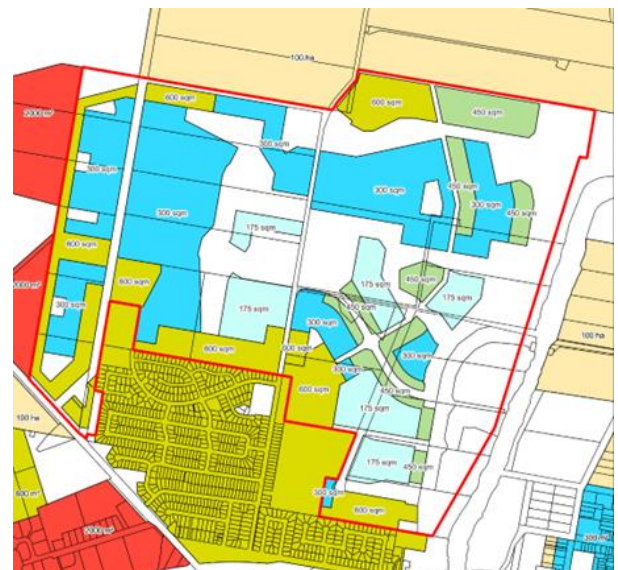


Figure 3 – Minimum lot size area



Figure 4 – Dwelling density



Figure 5 – Land reservation acquisition

Council has also undertaken a number of background studies to help inform the Planning Proposal as below:

- Preliminary site impact statement
- Commercial needs assessment
- Biodiversity assessment report
- Contamination assessment report
- Aboriginal cultural heritage due diligence report for part of the Precinct
- Groundwater and salinity report for part of the Precinct

Council Staff have undertaken regular consultation and communication with the NSW Department of Planning and Environment during preparation of the Planning Proposal. Subject to the endorsement of Council, the Planning Proposal will be submitted to the Department to seek a Gateway Determination. The Department will undertake a review and ensure the Planning Proposal has strategic and site-specific merit. In accordance with the LEP Making Guidelines, the Department may require additional information to be provided. If further information is required, Council will liaise with the Department and undertake minor amendments to the Planning Proposal, which do not impact the overall objectives of the Planning Proposal.

2. Planning Assessment and Considerations

The Planning Proposal has been assessed against relevant regional and sub-regional strategies, Council strategies and policies, applicable State Environmental Planning Policies (SEPPs) and Section 9.1 Ministerial Directions.

It is considered that the Planning Proposal has strategic and site-specific merit as it aligns with several key strategic planning priorities of the NSW Government and Council. The relevant

matters for consideration are identified below, with the detailed assessment included in the Planning Proposal (attached in **Appendix 1**).

(i) Dubbo Residential Areas Strategy

The Dubbo Residential Areas Strategy provides a spatial and servicing framework that ensures the region can grow efficiently in the long term to assist in the provision of residential development opportunities.

The Planning Proposal is considered to be consistent with this Strategy.

(ii) Dubbo Employment Lands Strategy

The Dubbo Employment Lands Strategy aims to ensure Dubbo has an appropriate level of commercial and industrial zoned land that can meet the long-term requirements of the community and region. The Strategy forms the basis for business zonings and planning controls in the Dubbo Regional LEP 2022.

Council engaged consultants Hill PDA to complete a Commercial Needs Assessment as the Planning Proposal includes land zoned employment. The assessment indicates that a village centre of approximately 8,000m² could be supported without impacting the commercial centres hierarchy of Dubbo.

It is recommended that the following provisions be included in the Dubbo Regional LEP 2022:

- Limit the total floor area of any supermarket to 4,000m²;
- Limit the overall floor space of any future retail shops to 8,000m²;
- Require any future development application within the E1 Local Centre zone to consider the economic impact of the development, and ensure it is consistent with the Dubbo Employment Lands Strategy.

Any commercial development will also be subject to the provision of an Economic Impact Assessment at the development application stage to ensure Council can accurately consider economic impacts in accordance with the provisions of the Dubbo Regional Local Environmental Plan 2022.

(iii) Dubbo Transportation Strategy 2020

The Dubbo Transportation Strategy 2020 identifies the strategic road requirements to accommodate future growth and is supported by a design and maintenance program for roads, footpath and cycleways. The Strategy was prepared based on the overall development of the Precinct, including identifying the need for strategic road corridors.

The Planning Proposal is considered to be consistent with the provisions of the Strategy.

(iv) Infrastructure and services

The Planning Proposal will increase the demand for public facilities and services including water, sewer, drainage, electricity and telecommunications, and there is capacity for this infrastructure to be made available over time as the Precinct develops.

Proposed works will be undertaken in a staged approach, and specific water and sewer infrastructure upgrade requirements will be confirmed at a later stage. It is considered that this will not prevent further progression of the Planning Proposal.

Council is currently preparing an Integrated Water Cycle Management Plan to identify the provision of appropriate, affordable, cost effective and sustainable urban water and sewerage services that meet community needs and protect public health and the environment. This Plan will form the basis for the provision of water and sewer services in Dubbo over time.

(v) Contamination

Council engaged consultants to complete a Contamination Assessment Report as the Planning Proposal involves rezoning potentially contaminated land, including land previously used for agricultural purposes, the former Bunglegumbie Treatment Plant and the former Dubbo City Council Animal Shelter.

Prior to gazettal of the Planning Proposal, Council will ensure land can be appropriately remediated.

(vi) Ecology

Council engaged consultants to complete a Biodiversity Assessment Report. A number of plant community types and endangered ecological community have been identified in the precinct. The North-West Development Control Plan Master Plan was prepared to avoid and minimise impacts on areas of biodiversity significance.

(vii) Flooding

Council engaged Cardno in 2019 to prepare the Macquarie River Flood Study. This Study identifies the Precinct being impacted by the Flood Planning Area and the Probable Maximum Flood.

The Planning Proposal will result in an increase in the dwelling density for land between the Flood Planning Area and the Probable Maximum Flood (Figure 6). However, it should be noted that this land is currently zoned R2 Low Density Residential, which allows for certain residential development to be undertaken.

At the Planning Proposal stage, Council is required to address the requirements of Ministerial Direction 9.1 in respect of flooding. This Ministerial Direction requires careful consideration of development impacts to ensure compatibility with flood prone lands. However, it should be noted that land in the Precinct that is within the Flood Planning Area is not included in the Master Plan as being suitable for residential development.

Council is currently preparing a Flood Impact and Risk Assessment to address the requirements of the Ministerial Direction, which amongst other things requires development to be compatible with flood behaviour and to ensure suitable means of access are available during times of flood. This Flood Impact and Risk Assessment will be provided to the Department for consideration prior to the commencement of public exhibition and consultation activities.



Figure 6 – Areas subject to flooding

3. Consultation and Planned Communications

If Council supports this Planning Proposal and receives a Gateway Determination from the Department of Planning and Environment, it will be placed on public exhibition for 28 days in accordance with the Local Environmental Plan Making Guidelines. The Planning Proposal will be notified in the following ways:

- NSW Government Planning Portal
- Council's YourSay webpage;
- Council's Customer Experience Centres and Macquarie Regional Library Branches;
- Daily Liberal newspaper; and
- Letters to landowners and adjoining landowners.

Council will consult with the following state agencies:

- Department of Planning – Biodiversity
- Department of Planning – Flooding and Water
- NSW Rural Fire Service

- Transport for NSW
- CASA
- Heritage NSW
- School Infrastructure NSW
- WaterNSW
- Environmental Protection Authority
- State Emergency Service
- Jemena and Essential Energy

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

4. Development Contributions Plan

Development contributions are payments made by developers that help fund and deliver infrastructure needed to support developments, including roads, transport infrastructure, stormwater drainage systems, and open space and recreation systems. They are a key source of funding for Council to deliver local and regional infrastructure to support our community without burdening existing ratepayers.

Council will prepare a Development Contributions Plan to ensure infrastructure required by this Planning Proposal can be adequately funded. It is also important to note that public and stakeholder consultation is an integral component of the Plan development process in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

This plan will be subject to a separate report for the consideration of Council.

5. Development Control Plan for Small Lots

An integral component of the future planning processes for the Precinct will be the preparation of a further Development Control Plan for the balance of lands in the Precinct. This Development Control Plan will comply with the strategic intent and objectives of the North-West Master Plan – Development Control Plan, which was adopted by Council at its meeting on 26 October 2023.

This Development Control Plan will be required to provide detailed planning and design guidelines for the subdivision and development of small lots, as the Dubbo urban area typically consists of lots with a minimum lot size area larger than 300m². This Development Control Plan will ensure diverse and varied streetscapes are provided and to ensure the built form has regard to the amenity of the site and surrounding properties.

This plan will be subject to a separate report for Council's consideration and will be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979.

6. Resourcing Implications

Council secured \$155,000 in funding from the NSW Department of Planning and Environment to help undertake strategic planning activities for the North-West Urban Release Area. This funding has been used for the preparation of the planning proposal and associated studies.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	\$155,000	0	0	0	0	0
b. Operating expenses	\$155,000	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

7. Timeframe and next steps

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

Key date	Explanation
23 November 2023	Consideration by Council
December 2023	Submission for Gateway Determination
January 2024	Gateway Determination
February – March 2024	Public exhibition period
March – April 2024	Consideration of submissions
April – May 2024	Post-exhibition review and additional studies
June 2024	Preparation of revised planning proposal
July 2024	Consideration by Council
July 2024	Submission to the Department for finalisation
September 2024	Making of the LEP amendment

APPENDICES:

- 1 [Draft Planning Proposal](#)